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CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Md., Tues., Dec. 5, 1967

The Convention met at 10:00 A.M.

Invocation was offered by Rev. Jalm C. Chatlos, Incarnation  
United Church of Christ, Emmitsburg, Maryland

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,  
Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall,  
Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw,  
Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin,  
Carson, Case, Chabot, Child, Clagett, Clarke E.J., Darby,  
Della, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick,  
Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson,  
Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman,  
Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer,  
Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord,  
Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B.,  
Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C.,  
Needle, Neumann, Pascal, Penniman, Peters, Powers, Price,  
Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock,  
Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow,  
Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H.,  
Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E.,  
Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley,  
White, Willis, Willoner, Winslow. Total--128

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and  
Agenda, reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved that the calendar  
be amended to include under item #9:

Consideration of SF-3

Consideration of SF-4

Consideration of SF-5

and that the calendar as amended be adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

The President reported to the Convention that Resolution  
No. 16 had been returned to the Convention by the Committee  
on Rules.

Delegate Bard then withdrew the Resolution with permission  
of the Convention.





Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 10:17 A.M.

Consideration of Committee Recommendation SF-3 resumed, with Mr. Case explaining and answering questions on the Recommendation.

Amendment No. 1, to Committee Recommendation No. SF-3, By Delegate Weidemeyer, from the floor. The amendment was duly seconded.

In Section 8.01 Power to Tax following line 24 add the following:

"(c) The State shall not levy, nor shall it allow any political subdivision to levy, a tax on incomes which shall exceed in the aggregate a rate greater than eight percent of taxable income, excluding deductions and exemptions; except that, whenever and for such period of time as the federal tax on incomes is reduced, this rate may be increased in the same amount by which the federal tax is reduced."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bennett, Burgess, Dabrowski, Groh, Hostetter, Johnson, Kiefer, Kosakowski, Malkus, Ritter, Rush, Taylor H.E., Vecera, Weidemeyer. Total--14

Negative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Armor, Bamberger, Bard, Baumann, Beall, Blair, Boileau, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E.J., Darby, Dulany, Eckenrode, Fornos, Fox, Frederick, Gilchrist, Gill, Grant, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley,







Robey F.C., Robie K.L., Rollins, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--96

#### Not Voting

#### Delegates--

James, Anderson, Barrick, Beachley, Borom, Bothe, Boyles, Bushong, Cicone, Cleveland, Della, Dorsey, Dukes, Finch, Freedlander, Gallagher, Gleason, Gullett, Hutchinson, Kahl, Key, Kirkland, Miller E.T., \*Mosner, Neilson, Pascal, Rosenstock, Singer, Taylor L., Webb, Wheatley, Total--32

\* Mitchell,

Amendment No. 2, to Committee Recommendation No. SF-3, By Delegate Weidemeyer, from the floor. The amendment was duly seconded.

In Section 8.01 Power to Tax add the following:

"(c) The State shall not levy, nor shall it allow any political subdivision to levy, a tax on incomes which shall exceed in the aggregate a rate greater than eight percent of taxable income, excluding deductions and exemptions."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates--

Anderson, Bennett, Burgess, Dabrowski, Dorsey, Groh, Hostetter, Hutchinson, Johnson, Kosakowski, Malkus, Murphy, Ritter, Rush, Rybczynski, Taylor H.E., Vecera, Weidemeyer. Total--18

#### Negative

#### Delegates--

President, Tawes, Clark J., Abramson, Adkins, Bamberger, Bard, Baumann, Beall, Blair, Boileau, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E.J., Darby, Dulany, Eckenrode, Fox, Frederick, Gilchrist, Gill, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Koger, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--93



## Not Voting

### Delegates--

James, Armor, Barrick, Beachley, Borom, Bothe, Boyles, Bushong, Cicone, Cleveland, Della, Dukes, Finch, Fornos, Freedlander, Gallagher, Gleason, Grant, Gullett, Kahl, Key, Kiefer, Kirkland, Miller E.T., Mitchell, Mosner, Neilson, Pascal, Singer, Webb, Wheatley.

Total--31

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation SF-3 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:00 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. SF-3 and desires to sit again on the matter.

At 1:03 P.M., on motion of Delegate Powers, the Convention took a recess until 2:30 P.M.

At 2:30 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--137

### REPORTS OF OTHER STANDING COMMITTEES

Minority Report No. R&P-1(E), By Delegates Burgess, Dabrowski, Hostetter, C. Murray and Weidemeyer, of the Committee on Personal Rights and Preamble. This Minority Report relates to Committee Recommendation No. R&P-1.





A MINORITY REPORT to limit the exercise of the power of eminent domain by private persons, firms or corporations.

\* \* \*

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to resume consideration of Committee Recommendation No. SF-3 and other General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 2:38 P.M. Consideration of Committee Recommendation No. SF-3 resumed.

Amendment No. 3, to Committee Recommendation No. SF-3, By Delegates Hanson, and B. Miller, from the floor. The amendment was duly seconded.

In Section 8.02 Assessments strike out the comma and the rest of the sentence in lines 6 through 8, inclusive.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bard, Bennett, Borom, Boyce, Bradshaw, Byrnes, Chabot, Hanson, Hardwicke, Koss, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Needle, Robey F.C., Scanlan, Sickles, Sollins, Taylor L. Total--23

Negative

Delegates--

President, Tawes, Abramson, Adkins, Anderson, Armor, Barrick, Baumann, Beachley, Beall, Boileau, Boyer, Bryson, Burdette, Burgess, Buzzell, Caldwell, Cardin, Carson, Case, Child, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Linton, Lord, Malkus, Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Vecera, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--100





Not Voting

Delegates--

Clark J., James, Blair, Bothe, Boyles, Bushong, Cicone, Cleveland, Dukes, Gill, Gleason, Gullett, Kirkland,\*Leitzel, Miller E.T., Price, Sosnowski, Wagandt. Total--19

\* Kosakowski,

Amendment No. 4, to Committee Recommendation No. SF-3, By Delegates Hanson and B. Miller, from the floor. The amendment was duly seconded.

In Section 8.02 Assessments strike out the word "shall" and insert in lieu thereof the word "may".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bothe, Boyce, Bradshaw, Chabot, Grumbacher, Hanson, Harris, Henderson, Kosakowski, Koss, Lord, Macdonald, Marion, Mentzer, Miller B., Mitchell, Mosner, Needle, Sickles, Sollins, Taylor L. Total--22

Negative

Delegates--

President, Tawes, Abramson, Adkins, Anderson, Bard, Barrick, Baumann, Beachley, Beall, Boyer, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Groh, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Koger, Linton, Malkus, Morgan, Moser, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Siewierski, Smith A.W., Smith J.H., Smith M.H., Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willoner, Winslow. Total--90

Not Voting

Delegates--

Clark J., James, Armor, Bennett, Blair, Boileau, Borom, Boyles, Bushong, Cicone, Cleveland, Della, Dukes, Gill, Gleason, Grant,\*Hardwicke, Hargrove, Kahl, Kirkland, Leitzel, Mason, Maurer, Miller E.T., Price, Singer, Sosnowski, White, Willis. \* Gullett, Total--30



COMMITTEE RECOMMENDATION NO. SF-3 WAS APPROVED BY ROLL  
CALL VOTE AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,  
Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Borom,  
Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess,  
Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child,  
Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos,  
Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh,  
Grumbacher, Harris, Henderson, Hickman, Hopkins, Hostetter,  
Hutchinson, Jett, Johnson, Key, Kiefer, Koger, Kosakowski,  
Linton, Lord, Macdonald, Malkus, Marion, \*Mentzer, Mitchell,  
Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C.,  
Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers,  
Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins,  
Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles,  
Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins,  
Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Vecera,  
Wagandt, Webb, Weidemeyer, Wheatley, Willoner, Winslow.  
\* Maurer, Total--106

Negative

Delegates--

None

Not Voting

Delegates--

Armor, Bennett, Blair, Boileau, Boyles, Bushong, Chabot,  
Cicone, Clagett, Clarke E.J., Cleveland, Della, Dukes, Fox,  
Gill, Gleason, Gullett, Hanson, Hardwicke, Hargrove, Harkness,  
Kahl, Kirkland, Koss, Leitzel, Mason, Miller B., Miller E.T.,  
Price, Rush, Schneider, Singer, Sosnowski, Taylor L., White,  
Willis. Total--36

Mr. Sherbow, Chairman of the Committee on State Finance  
and Taxation reported, Committee Recommendation No. SF-4.

\* \* \*

The Committee on State Finance and Taxation recommends  
that the State Constitution include the following provisions  
with respect to State Debts and Gifts:

Section 6.01. State Indebtedness.

The State shall have the power to incur indebtedness  
for any public purpose in such manner and upon such terms and





conditions as the General Assembly may prescribe by law. Unless the law authorizing the creation of an obligation includes an irrevocable pledge of the full faith and credit of the State, the obligation shall not be considered an indebtedness of the State and the terms of this Section shall not apply; but if it includes such a pledge it shall be secured by the unlimited taxing power of the State and shall be subject to the terms of this Section. If at any time the General Assembly shall have failed to appropriate and to make available sufficient funds to provide for the timely payment of the interest and principal then due upon all State indebtedness, it shall be the duty of the Comptroller to pay, or to make available for payment, to the holders of such indebtedness from the first revenues thereafter received applicable to the general funds of the State, a sum equal to such interest and principal. All State indebtedness shall mature within fifteen years from the time when such indebtedness is incurred, except that at the time of authorizing the indebtedness the General Assembly may extend the period to not more than twenty-five years by the affirmative vote of three-fifths of all the members of each house.

#### Section 6.02. Gift or Loan of Assets or Credit.

The assets or credit of the State shall not in any manner be given or loaned to any individual, association, or corporation unless a public purpose will be served thereby and unless authorized by an act of the General Assembly stating the public purpose. A gift of assets may be authorized by the affirmative vote of a majority of all the members of each house, but a gift of credit or a loan of credit or a loan of assets shall require the affirmative vote of three-fifths of such members.

Mr. Stern, from the Committee on State Finance and Taxation reported on Minority Report No. SF-4(A), By Delegates Stern, Mentzer and Dukes, of the Committee on State Finance and Taxation. Presented and received. This Minority Report relates to Committee Recommendation No. SF-4.

A MINORITY REPORT that general obligation bonds of the State be limited to a maturity of fifteen years; to this end that the words in brackets be deleted from the last sentence of Section 6.01:

All State indebtedness shall mature within fifteen years from the time when such indebtedness is incurred [, except that at the time of authorizing the indebtedness the General Assembly may extend the period to not more than twenty-five years by the affirmative vote of three-fifths of all the members of each house]



This change will continue the 15 year limitation that has been in effect since the Constitution of 1851 and that has contributed to the high rating enjoyed by general obligation bonds of the State of Maryland.

The Draft Constitution proposes that the maturity limitation be extended to 25 years. This was referred to our Committee and was the subject of a number of hearings. In general, witnesses connected with the investment banking business testified in favor of 25 years; those connected with the State's finances were for 15.

State of Maryland bonds enjoy a triple A rating. This is the highest rating possible. The higher the rating, the lower the interest rate and the better the market.

For over a century the 15 year maturity limitation has stood the most rigorous of all tests, the test of the market place. This period has produced wide fluctuations in the money market, including three major depressions. Today, in a tight money market our triple A rating assures us the lowest available interest rate.

\* \* \*

Amendment No. 1, to accompany Minority Report SF-4(A), to Committee Recommendation No. SF-4, By Delegates Stern, Mentzer, and Dukes, from the floor. The amendment was duly seconded.

In Section 6.01 State Indebtedness strike out beginning with the word ", except" down to and including the word "house".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Clark J., Anderson, Boyer, Boyles, Burgess, Clagett, Dabrowski, Dorsey, Finch, Freedlander, Grant, Groh, Harkness, Harris, Henderson, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kirkland, Kosakowski, Linton, Mentzer, Mitchell, Murray D.S., Murray E.C., Neilson, Pascal, Powers, Ritter, Rybczynski, Schneider, Siewierski, Smith J.H., Stern, Storm, Taylor H.E., Taylor L., Ulrich, Weidemeyer, White, Willoner, Winslow.

Total--44

Negative

Delegates--

President, Tawes, James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Bothe, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Clarke E.J., Della, Dulany, Fornos, Gallagher, Gilchrist, Grumbacher, Hanson, Hargrove, Hopkins, Key, Kiefer, Koger, Koss,





Lord, Marion, Mason, Maurer, Miller B., Morgan, Moser, Mosner, Needle, Neumann, Penniman, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Schloeder, Sherbow, Sickles, Smith A.W., Smith M.H., Sybert, Wagandt, Willis. Total--61

Not Voting

Delegates--

Baumann, Beall, Blair, Boileau, Borom, Boyce, Bushong, Caldwell, Cicone, Cleveland, Darby, Dukes, Eckenrode, Fox, Frederick, Gill, Gleason, Gullett, Hardwicke, Kahl, Leitzel, \*Malkus, Miller E.T., Mudd, Murphy, Peters, Price, Rush, Scanlan, Singer, Sollins, Sosnowski, Soul, Vecera, Webb, Wheatley. Total--37

\* Macdonald,  
Amendment No. 2, to Committee Recommendation No. SF-4, By Delegate Mentzer, from the floor. The amendment was duly seconded.

Section 6.01 State Indebtedness after the word "years" add the following words: "upon the prior certification of need by the governor and".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., Anderson, Burdette, Byrnes, Chabot, Dabrowski, Dorsey, Finch, Freedlander, Grant, Groh, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kosakowski, Koss, Linton, Lord, Mentzer, Needle, Neumann, Ritter, Schneider, Siewierski, Stern, Taylor L., Ulrich, Weidemeyer, Willoner. Total--34

Negative

Delegates--

President, Tawes, James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Bothe, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Carson, Case, Child, Clagett, Clarke E.J., Della, Dulany, Gilchrist, Grumbacher, Hanson, Hargrove, Key, Kiefer, Kirkland, Koger, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Murray D.S., Murray E.C., Neilson, Pascal, Penniman, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Schloeder, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Sybert, Taylor H.E., Wagandt, White, Willis, Winslow. Total--65

Not Voting

Delegates--

Baumann, Beall, Blair, Boileau, Borom, Boyce, Burgess, Bushong,



Caldwell, Cardin, Cicone, Cleveland, Darby, Dukes, Eckenrode, Fornos, Fox, Frederick, Gallagher, Gill, Gleason, Gullett, Hardwicke, Hutchinson, Kahl, Leitzel, Macdonald, Malkus, Miller E.T., Mudd, Murphy, Peters, Price, Rush, Scanlan, Singer, Sollins, Sosnowski, Soul, Storm, Vecera, Webb, Wheatley.  
Total--43

Amendment No. 3, to Committee Recommendation No. SF-4, By Delegate Grumbacher, from the floor. The amendment was duly seconded.

In Section 6.01 State Indebtedness strike out the last sentence beginning with the word "All" and extending through the word "house."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bennett, Bothe, Carson, Dabrowski, Grumbacher, Hanson, Hopkins, Koger, Koss, Miller B., Mithcell, Needle, Pascal, Raley, Ritter, Schloeder, Siewierski.  
Total--17

Negative

Delegates--

President, Tawes, James, Abramson, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Case, Child, Clagett, Clarke E.J., Della, Dorsey, Dulany, Finch, Freedlander, Gilchrist, Grant, Groh, Hargrove, Harkness, Harris, Henderson, Hickman, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Kosakowski, Linton, Lord, Marion, Mason, Maurer, Mentzer, Morgan, Moser, Mosner, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Powers, Pullen, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Schneider, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Sybert, Taylor H. E., Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow.  
Total--79

Not Voting

Delegates--

Clark J., Adkins, Baumann, Beall, Blair, Boileau, Borom, Boyce, Burgess, Bushong, Caldwell, Chabot, Cicone, Cleveland, Darby, Dukes, Eckenrode, Fornos, Fox, Frederick, Gallagher, Gill, Gleason, Gullett, Hardwicke, Kahl, Leitzel, Macdonald, Malkus, Miller E.T., Mudd, Murphy, Peters, Price, Rush, Scanlan, Singer, Sollins, Sosnowski, Soul, Stern, Storm, Taylor L., Vecera, Webb, Wheatley.  
Total--46





Amendment No. 4, to Committee Recommendation No. SF-4, By Delegate Mentzer, from the floor. The amendment was duly seconded.

Strike out all of Section 6.02 Gift or Loan of Assets or Credit and insert in lieu thereof the following:

"Section 6.02 Gift or Loan of Credit

The credit of the State shall not in any manner or for any purpose be given or loaned to or in aid of any individual, private association or private corporation."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Burdette, Chabot, Dorsey, Finch, Kirkland, Linton, Mentzer, Siewierski. Total--9

Negative

Delegates--

President, Tawes, Clark J., James, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Bothe,\*Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Cardin, Carson, Case, Child, Clagett, Clarke E.J., Dabrowski, Dulany, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Jett, Key, Kiefer, Koger, Kosakowski, Koss, Lord, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Murray D.S., Murray E.C., Needle, Neilson, Meumann, Pascal, Penniman, Powers, Pullen, Raley, Robey F.C., Rollins, Rosenstock, Rybczynski, Schneider, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow. Total--82

\* Boyer,

Not Voting

Delegates--

Abramson, Adkins, Baumann, Beall, Blair, Boileau, Borom, Boyce, Burgess, Bushong, Caldwell, Cicone, Cleveland, Darby, Della, Dukes, Eckenrode, Fornos, Fox, Frederick, Gill, Gleason, Gullett, Hardwicke, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Leitzel, Macdonald, Malkus, Miller E.T., Mosner, Mudd, Murphy, Peters, Price, Ritter, Robie K.L., Rush, Scanlan, Schloeder, Singer, Sollins, Sosnowski, Soul, Storm, Vecera, Webb, Wheatley. Total--51

COMMITTEE RECOMMENDATION NO. SF-4 WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates--

President, Tawes, Clark J., James, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Child, Clagett, Clarke E.J., Dabrowski, Dulany, Finch, Freedlander, Gallagher, Gilchrist, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Key, Kiefer, Koger, Kosakowski, Koss, Lord, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Robey F.C., Robie, K.L., Rollins, Rosenstock, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Sybert, Taylor H.E., Wagandt, Weidemeyer, White, Willis, Winslow. Total--84

## Negative

### Delegates--

Anderson, Dorsey, Groh, Hostetter, Johnson, Kirkland, Ritter, Siewierski, Stern, Taylor L., Ulrich, Willoner. Total--12

## Not Voting

### Delegates--

Abramson, Adkins, Baumann, Beall, Blair, Boileau, Borom, Boyce, Burgess, Bushong, Caldwell, Chabot, Cicone, Cleveland, Darby, Della, Dukes, Eckenrode, Fornos, Fox, Frederick, Gill, Gleason, Gullett, Hardwicke, Kahl, Leitzel, Linton, Macdonald, Malkus, Miller E.T., Mosner, Mudd, Murphy, Peters, Price, Rush, Scanlan, Singer, Sollins, Sosnowski, Soul, Storm, Vecera, Webb, Wheatley. Total--46

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that the Committee has concluded its consideration of Committee Recommendation No. SF-3 and Committee Recommendation No. SF-4.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:40 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has finished its consideration of Committee Recommendation No. SF-3 and Committee Recommendation No. SF-4. The President referred Committee Recommendation No. SF-3 and Committee Recommendation No. SF-4 to the COMMITTEE ON STYLE, DRAFTING, AND ARRANGEMENT.

At 6:43 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Wednesday, December 6, 1967, at 10:00 A.M.



CONSTITUTIONAL CONVENTION OF MARYLAND  
JOURNAL OF PROCEEDINGS

Annapolis, Md., Wednesday, Dec 6, 1967.

The Convention met at 10:00 o'clock A. M.

Invocation was offered by Rabbi Amiel Wohl, Baltimore Hebrew Congregation, Baltimore, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Clarke E. J., Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total -- 122

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

Delegate Powers moved, duly seconded, that the calendar be amended to include under Item 9 the first order of business, Consideration of Committee Recommendation No. SF-5, and that the calendar be adopted as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.





## REPORTS OF OTHER STANDING COMMITTEES

A Memorandum on Committee Recommendation No. R&P-2 by Delegates Moser and Scanlan was offered and received by the Convention.

Delegates Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

### COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. James Clark presided. 10:17 o'clock A. M.

Mr. Sherbow, Chairman of the Committee on State Finance and Taxation, reported on Committee Recommendation No. SF-5.

The Committee on State Finance and Taxation recommends that the Constitution include the following provisions with respect to budget and appropriations:

#### BUDGET AND APPROPRIATIONS

##### Section 6.03 Appropriations.

The General Assembly shall not appropriate any money out of the treasury except by a budget bill or a supplementary appropriation bill.

##### Section 6.04 The Budget.

On the third Wednesday in January in each year (except in the case of a newly elected Governor, and then not later than twelve days after the convening of the General Assembly into regular session), unless such time be extended by the General Assembly, the Governor shall submit to the General Assembly a budget for the ensuing fiscal year. The budget shall show the estimated surplus or deficit of revenues at the end of the preceding year and shall contain, for the fiscal year covered thereby, an estimate of revenues, a complete plan of proposed expenditures by program including all appropriations required by this Constitution or by law, and any additional information prescribed by law, all in such form and detail as the Governor shall determine. The total of the proposed expenditures shall be limited to funds available therefor as shown in the budget.





#### Section 6.05     Mandatory Appropriations.

The estimates of appropriations for the legislative branch, certified by the presiding officer of each house, and for the judicial branch, certified by the chief judge of the Superior Court, shall be transmitted to the Governor, in such form and at such time as he shall direct. To the extent that appropriations for the legislative and judicial branches and for state support of public school systems are required by law, the estimates therefore shall be included in the budget without revision.

#### Section 6.06     Presentation of Budget Bill.

The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget, classified and in such form and detail as he shall determine or as may be prescribed by law. The presiding officer of each house shall promptly cause the bill, called the budget bill, to be introduced. The Governor may, before final action thereon by the General Assembly, amend or supplement the budget bill to correct an oversight, to appropriate funds contingent on passage of pending legislation or to provide for an emergency. Such amendment or supplement shall be delivered to the presiding officers of both houses, and it shall thereafter become a part of the budget bill as an addition, substitute or modification thereof or any item thereof. Each amendment shall be accompanied by a statement by the Governor explaining the reasons therefore.

#### Section 6.07     Amendment of Budget Bill.

The General Assembly may amend the budget bill by increasing any item relating to the legislative or judicial branches, or by reducing or striking out any item except the appropriation of sufficient funds to provide for the timely payment of the interest upon and installments of principal of all State indebtedness and the appropriations required by law for State support of public school systems; but it may not otherwise amend the budget bill or change the estimate of revenues. The compensation of a public officer may not be decreased during his term of office.

#### Section 6.08     Enactment of Budget Bill.

The budget bill shall become law when passed by both houses of the General Assembly and shall not be subject to veto by the Governor. If the budget bill shall not have been finally acted upon by the General Assembly ten days before the expiration of its regular session, the Governor shall issue a proclamation extending the session until the passage of the budget bill and ten days thereafter. After such proclamation, no other legislation, except provision for the cost of the extended session, can be finally passed by the General Assembly until the budget bill has been enacted.



Section 6.09    Testimony on Budget Bill.

Either house of the General Assembly may require any person in any branch or agency of the State government, other than the Governor, to appear and testify with respect to the budget bill or a supplementary appropriation bill. The Governor or a person designated by him shall have the right to appear and testify with respect to the budget bill or a supplementary appropriation bill.

Section 6.10    Supplementary Appropriations.

Any other appropriation shall be embodied in a separate bill called a supplementary appropriation bill, the purpose or purposes of which shall be clearly defined therein. In a regular session a supplementary appropriation bill may be passed by either house, but shall not be finally enacted until the budget bill has become law, but such a bill may be considered and enacted at any time in a special session. Except as provided in Section 6.11, a supplementary appropriation bill shall provide the revenue necessary to pay the appropriation by a tax, direct or indirect, to be levied and collected as prescribed therein.

Section 6.11    Capital Expenditures.

Appropriations for capital projects to be financed by the creation of indebtedness of the State shall be embodied in a supplementary appropriation bill and such bill shall contain an irrevocable pledge of the full faith and credit and unlimited taxing power of the State. Any such appropriation that is in addition to or exceeds the capital appropriations submitted to the General Assembly by the Governor shall provide the revenue necessary to pay the debt service required thereby by a tax, direct or indirect, to be levied and collected as prescribed therein.

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation No. SF-5.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:00 o'clock P. M. the Convention resumed its session.

The First Vice-President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. SF-5 and desires to sit again on the matter.

At 1:02 o'clock P. M. the Convention took a recess until 2:30 o'clock P. M.

At 2:30 o'clock P. M. the Convention resumed its session.





Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Iella, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 128

#### REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 10. This Report covers matters in: General Order No. 15; Committee Recommendation No. EB-1; Delegate Proposal Nos. 4, 32, 37, 59, 69, 84, 85, 87, 117, 118, 145, 146, 147, 165, 168, 184, 204, 211, 212, 217, 233, 240, 242, 243, 244, 245, 246, 282, 292, 322, 332, 338, 353, 371, 376, 377.

The Committee of the Whole has considered Committee Recommendation No. EB-1 and has approved it with amendments as indicated in the attachment to this report.

#### Section 4.03. Lieutenant Governor.

There shall be a lieutenant governor who ~~shall perform such duties as may be prescribed by law and such other duties as may be delegated to him by the governor;--To be~~ (shall have only such duties as may be delegated to him by the governor, but no power specifically prescribed for the governor by this Constitution shall be delegated to the lieutenant governor under this section. To be) eligible for election as lieutenant governor, a person shall have attained the age of thirty years at the time of his election, and shall have been a qualified voter in the State at least five years immediately preceding his election. No person elected governor shall be eligible to hold the office of lieutenant governor.

#### Section 4.04. Salary of Governor and Lieutenant Governor, (Comptroller, and Attorney General.)

~~The governor and lieutenant governor~~ (The governor, lieutenant governor, comptroller and attorney general) shall receive for their services such salaries as may be prescribed by law, which shall be neither increased ~~not~~ (nor) diminished during the term for which they shall have been elected.



#### Section 4.05. Election of Governor and Lieutenant Governor.

The governor shall be elected by those voters qualified to vote in State elections for a term of four years and (shall serve) until someone has qualified to succeed to the office of governor or to serve as acting governor. The term of the governor shall begin on the first Wednesday of January following his election unless such day is a legal holiday, in which case his term shall begin on the first Thursday of January following his election. In event of a tie vote, the governor shall be elected from the candidates having received the tie vote by the affirmative vote in joint session of a majority of the combined membership of both houses (of the General Assembly) as the first order of business after their organization. Each candidate for lieutenant governor shall run jointly in the general election with a candidate for the governor and the votes cast for one shall be considered as cast also for the other. The candidate for lieutenant governor whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor for the same term as the governor.

#### Section 4.08. Removal of Governor (and Lieutenant Governor)

The General Assembly may, by the affirmative vote in joint session of three-fifths of the combined membership of both houses, pass a resolution stating that the governor ~~or~~, governor-elect, (lieutenant governor, or lieutenant governor-elect) is unable to carry out the duties of his office by reason of a physical or mental disability. If the General Assembly passes such a resolution, it shall be delivered to the Court of Appeals which shall then have exclusive jurisdiction to determine whether ~~the-governor or-governor-elect~~ (such officer) is unable to discharge the duties of his office by reason of a disability. If the Court of Appeals determines that ~~the-governor-or-governor-elect~~ (such officer) is unable to discharge the duties of his office by reason of a disability, the office shall be vacant.

#### Section 4.13. Convening General Assembly.

The governor may, on extraordinary occasions, convene ~~the General-Assembly-or-the-Senate-alone~~ (the Senate) by proclamation, stating the purpose for which he has convened it.

#### Section 4.16. Presentation of Bills to Governor.

If the General Assembly is in session, a bill shall become law if the governor signs or fails to veto it within twenty days of presentation. If the General Assembly has adjourned sine die the bill shall become law if the governor signs or fails to veto it within thirty days of presentation.





#### Section 4.17. Return of Vetoed Bills.

If the governor vetoes a bill while the General Assembly is in session, he shall return it forthwith to the General Assembly. If the governor vetoes a bill following the adjournment sine die of the General Assembly, he shall return it forthwith to any special session of the General Assembly which may be convened for the purpose of reconsidering vetoed bills (or to the next regular session of the same General Assembly.) A bill that is returned by the Governor may be reconsidered by the General Assembly; and if, upon reconsideration, the bill is passed by the affirmative vote of three-fifths of all the members of each house, it shall become law and shall take effect on the July 1 following, unless the General Assembly shall by joint resolution fix another effective date subsequent to its passage.

#### (Section 4. . Comptroller.)

(There shall be a comptroller who shall grant, under regulations prescribed by law, all warrants for money to be paid out of the treasury of the State pursuant to appropriations by law and perform such other duties relating to the payment of monies of the State as may be prescribed by law. The comptroller shall not be the head of the finance department or of any other principal department of the executive branch.)

#### (Section 4. . Qualifications and Election of Comptroller.)

(To be eligible for election as comptroller, a person shall have attained the age of thirty years at the time of his election and shall have been a qualified voter in the State at least five years immediately preceding his election. The comptroller shall be elected for a term of four years by those voters qualified to vote in State elections. He shall be elected in the same election at which a governor is elected. The term of office of the comptroller shall begin at the same time as the term of the governor and shall continue until his successor shall have qualified. In the event of a vacancy in the office of comptroller, the governor, by and with the advice and consent of the Senate, shall appoint another person to fill such vacancy who shall serve until his successor has been elected and duly qualified. The comptroller shall give such bond for the faithful performance of his duties as may be prescribed by law.)

#### (Section \_\_\_\_\_. Board of Review.)

(There shall be in the executive branch of the government a Board of Review which shall consist of the Governor, an officer in the executive branch designated by the Governor, and the Comptroller. The board shall act by majority vote, shall hold its meetings in public or otherwise act in such manner and have such powers as the General Assembly may prescribe.)



Section 4.18. ~~Organisation~~ (Structure) of the Executive Branch.

All functions, powers, and duties of the executive and administrative offices, agencies, and instrumentalities of the executive branch of state government shall be ~~prescribed-and~~ allocated ~~by-law~~ among and within not more than twenty principal departments so as to group them according to major purposes. The (maximum) number of principal departments may be ~~changed~~ (increased) by (a) law enacted by a three-fifths vote of all members of each house of the General Assembly. Regulatory, quasi-judicial and temporary agencies and commissions established by law may, but need not, be allocated within a principal department.

Section 4.20. Heads of Principal Departments of the Executive Branch.

The head of each principal department of the executive branch, ~~including-the-chief-legal-officer-and-the-chief-fiscal-officer,~~ shall be a single executive unless otherwise provided by law. When a board or commission is at the head of a principal department, a chief administrative officer shall be provided for it by law.

Section 4.21. Appointment of Heads of Principal Departments and Chief Administrative Officers.

The governor shall, with the advice and consent of the Senate, appoint each individual executive serving as head of a principal department of the executive branch and individuals to fill vacancies in all boards and commissions serving as heads of principal departments. He shall also, with the advice and consent of the Senate, appoint individuals to fill vacancies on regulatory and quasi-judicial agencies. Acting alone he shall appoint each chief administrative officer serving under a board or commission which is the head of a principal department of the executive branch, except the head or chief administrative officer of an institution of higher education or of the state public school system. Gubernatorial appointees serving as heads of principal departments (or as members of boards and commissions serving as heads of principal departments) shall have such ~~occupational~~ qualifications as may be prescribed by law.

Section 4.24. Interim and Recess Appointments.

In case of a vacancy occurring in any office which the governor has power to fill only with the advice and consent of the Senate, he shall appoint some suitable person to said office. If such appointment is made within the first sixty days of a regular session of the General Assembly, the governor shall submit the nomination of the person thus appointed, or of some other person in his place, to the Senate. If such appointment is made at any other time, the governor





shall submit such nomination to the Senate at the beginning of the next regular session of the General Assembly. The commission of any such appointee shall continue in force until the end of the next regular session of the General Assembly, or until the expiration of the term of the office which the nominee was appointed to fill, or until his nomination is rejected by the Senate, whichever shall first occur. No person, after being rejected by the Senate, shall be again (appointed to or) nominated for the same office at the same session, unless at the request of the Senate; or, be appointed to the same office during the recess of the General Assembly.

Report of the Committee of the Whole No. 11. This Report covers matters in General Order No. 18; Committee Recommendation No. LB-2; Delegate Proposal Nos. 46, 65, 104, 109, 120, 163, 167, 200, 256, 258, 279, 280, 283, 284, 306, 308, 309, 313, 317, 330, 342, 343, 344, 347, 367, 368, 400, 402, 403, 433, 438, 443.

The Committee of the Whole has considered Committee Recommendation No. LB-2 and has approved it with amendments as indicated in the attachment to this Report.

### Section 3.02. Legislative Districts.

The State shall be divided by law into districts for the election of members of the Senate and into districts for the election of members of the House of Delegates. Each district shall consist of adjoining territory and be compact in form. ~~Natural~~ (Due regard shall be given to natural) boundaries and the boundaries of political subdivisions. ~~shall-be-followed-insofar-as-practicable.~~ The number of persons represented by each Senator shall be substantially equal, and the number of persons represented by each delegate shall be substantially equal. The boundaries of districts shall be re-established consistent with these standards prior to the state-wide general election in 1970 and every twentieth year thereafter, and prior to the state-wide general election in 1982 and every twentieth year thereafter.

### Section 3.03a. Redistricting Procedure.

The commission on legislative redistricting shall submit a redistricting plan to the Governor who shall transmit the plan to the General Assembly by the first day of the regular session in which redistricting is to be effective. If any other plan has not been provided by law within 50(seventy)days after the transmission of the commission plan to the General Assembly, then the commission plan shall become law. Upon petition of any registered voter, the Court of Appeals shall have original jurisdiction to review the plan of redistricting which becomes (or would become) law (and the plan of the commission if it has not become law.) If a plan enacted by the General Assembly is found by the Court of Appeals to be unlawful, the commission plan shall become law. If The Court of Appeals finds the commission plan is unlawful, then the Court of Appeals shall grant appropriate relief for the conduct of the impending election.





### Section 3.13. Organization of the General Assembly.

Each house shall be the judge of the qualifications and selection of its members, as prescribed by this Constitution and the laws of this State. Each house shall elect its own officers and determine its rules of procedure, and may permit its committees to meet between sessions of the General Assembly. Each house, by the affirmative vote of a majority of all its members ~~present-and-voting,-a-quorum-being-present,~~ may compel the attendance and testimony of witnesses and the production of records and papers either before the house as a whole or before any of its committees, provided that the rights and the records and papers of all witnesses in such cases shall have been protected by law. Each house may punish a member for disorderly or disrespectful behavior by the affirmative vote of a majority of all its members ~~present-and-voting,-a-quorum-being-present.~~ Each house may expel a member by the affirmative vote of three-fifths of all its members ~~present-and-voting,-a-quorum-being present.~~

### Section 3.15. Form of Laws.

The style of every law of this State shall be, "Be it enacted by the General Assembly of Maryland;" and the General Assembly shall enact no law except by bill. Every law enacted by the General Assembly, (except supplementary appropriation laws,) shall embrace only one subject, which shall be described in its title. (All supplementary appropriation laws shall be limited to the subject of appropriations, the purpose or purposes of which shall be clearly defined therein.) No law nor section of law shall be revived or amended by reference to its title or section only, nor shall any law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the act. It shall be the duty of the General Assembly in amending any article or section of the code of laws of this State to enact the article, section or law as it would read when amended.

### Section 3.16. Consideration of Bills.

A bill may originate in either house of the General Assembly and be altered, amended, passed, or rejected by the other. ~~Except during-the-first-four-days-of-a-special-session,-no-vote-on-final passage-of-a-bill-shall-be-taken-until-the-bill-shall-be-prepared in-final-form.--No-vote-on-final-passage-of-a-bill-shall-be-taken until-the-fifth-calendar-day-after-its-introduction-in-the-house of-origin-and-until-the-second-calendar-day-after-it-reaches-the second-house,-except-upon-the-affirmative-vote-of-three-fifths-of all-the-members-present-and-voting,-a-quorum-being-present,-of-the house-in-which-suspension-is-requested.~~ (No vote on final passage of a bill shall be taken until the bill and all amendments thereto shall be in writing. Except during the first four days of a special session, or except upon the affirmative vote of three-fifths of all the members of the house in which suspension is requested, no vote on final passage of a bill shall be taken until the fifth calendar day after its introduction in the house of origin and





until the second calendar day after it reaches the second house.) The General Assembly may provide by law that bills shall be continued for two consecutive regular sessions within a term of the General Assembly.

**Section 3.17.--Journal-and-Passage-of-Bills.**

~~Each-house-of-the-General-Assembly-shall-keep-a-daily-journal of-its-proceedings-and-a-transcript-of-its-debates.--The-daily-journal shall-be-published-as-soon-as-practicable-and-the-transcript-shall be-available-to-the-public.--All-final-committee-votes-on-all-bills in-both-houses-shall-be-entered-by-individual-recorded-vote-in-the daily-journal-of-the-appropriate-house.--No-bill-shall-be-enacted nor-shall-a-resolution-requiring-the-action-of-both-houses-be adopted-unless-it-is-passed-in-each-house-by-a-majority-of-all-the members-of-that-house-present-and-voting,-a-quorum-being-present. A-vote-in-joint-session-or-by-either-house-on-any-bill-or-resolution- shall-be-taken-only-in-public-session.--On-final-passage-of-a-bill, including-a-bill-proposing-a-constitutional-amendment,-or-a- resolution,-the-vote-cast-by-each-member-shall-be-recorded-in-the journal-of-the-house-of-which-he-is-a-member.~~

(Section 3.17. Passage of Bills.)

(No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed in each house by a majority of all the members of that house. A vote in joint session or by either house on any bill or resolution or for the election or confirmation of any State officer shall be taken only in public session.)

(Section 3.17a. Journals.)

(The General Assembly shall provide by rule that each house shall keep a current daily journal of its proceedings, which shall be open to public inspection at all reasonable times, and a transcript of its debates. The General Assembly shall provide by rule that the daily journal of each house shall be published as soon as practicable and the transcript shall be available to the public. The General Assembly shall provide by rule that all final committee votes on all bills in both houses shall be entered by individual recorded vote in the daily journal of the appropriate house. The General Assembly shall provide by rule that, on final passage of a bill, including a bill proposing a constitutional amendment, or a resolution, the vote cast by each member shall be recorded in the journal of the house of which he is a member.)



Section 3.17a. Special Legislation.

The General Assembly shall pass no special law when a general law is applicable, ~~and whether a general law is applicable shall be a matter for judicial determination.~~

Report of the Committee of the Whole No. 12. This Report covers matters in General Order No. 9; Committee Recommendation No. SF-2; Delegate Proposal Nos. 24, 39, 108.

The Committee of the Whole has considered Committee Recommendation No. SF-2 and has approved it with amendments as indicated in the attachment to this report.

~~Lotteries shall not be sanctioned by the State or its political subdivisions.~~ (Neither the State nor the governing body of any political subdivision of the State shall operate or authorize a lottery for the purpose of financing any expense of government.)

Report of the Committee of the Whole No. 13. This Report covers matters in General Order No. 11; Committee Recommendation No. SF-3; Delegate Proposal Nos. 8, 356, 394.

The Committee of the Whole has considered Committee Recommendation No. SF-3 and has approved the Recommendation as submitted.

Report of the Committee of the Whole No. 14. This Report covers matters in General Order No. 12; Committee Recommendation No. SF-4; Delegate Proposal No. 6 (in part).

The Committee of the Whole has considered Committee Recommendation No. SF-4 and has approved the Recommendation as submitted.

Delegate Powers moved, duly seconded, that the Convention resolve itself into the Committee of the Whole to resume consideration of Committee Recommendation No. SF-5.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided. 2:43 o'clock P. M.

Consideration of Committee Recommendation No. SF-5 resumed.

Amendment No. 1 to Committee Recommendation No. SF-5 -- By Delegate Marion from the floor. The amendment was duly seconded.

Section 6.05, Mandatory Appropriations, strike out the words, "the chief judge of the Superior Court," and insert in lieu thereof the following:





"that judge who shall be designated by the chief judge of the Court of Appeals to certify the judicial branch budget "

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS :

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Boileau, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Brynes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Dabrowski, Darby, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Jett, Johnson, Key, Kirkland, Koger, Koss, Leitzel, Linton, Marion, Mason, Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Scanlan, Schloeder, Schneider, Sherbow, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Willoner, Winslow.

Total -- 98

Negative

Delegates --

None

Not Voting

Delegates --

Anderson, Armor, Bennett, Blair, Borom, Boyles, Burgess, Bushong, Carson, Cicone, Clarke E. J., Cleveland, Della, Dorsey, Finch, Gill, Gleason, Hardwicke, Harris, Hopkins, Hostetter, Hutchinson, Kahl, Kiefer, Kosakowski, Lord, Macdonald, Malkus, Maurer, Mentzer, Miller B., Miller E. T., Murphy, Pascal, Price, Rosenstock, Rush, Rybczynski, Sickles, Siewierski, Sosnowski, Taylor H. E., Taylor L., White.

Total -- 44

Amendment No. 2 to Committee Recommendation No. SF-5 -- By  
Delegates Hanson, Gallagher, Grumbacher, Sollins, Fox, Koss,  
Bamberger, Maurer, Marion, B. Miller, Burdette, Scanlan, Sickles,  
and Morgan, from the floor. The amendment was duly seconded.



Strike out all of Section 6.07 Amendment of Budget Bill and all of Section 6.08 Enactment of Budget Bill and insert in lieu thereof the following:

Section 6.07. Amendment of Budget Bill.

The General Assembly may amend the budget bill by increasing or decreasing the appropriation for any item included in the budget, by transferring funds among items included in the budget or by including items not in the budget bill as introduced. The total appropriation included in the budget bill as enacted by the General Assembly shall not exceed the total budgeted expenditures submitted by the governor. The General Assembly shall not reduce or strike out any appropriation of sufficient funds for the timely payment of the interest upon and installments of principal of all state indebtedness and appropriations required by law for state support of public school systems. The compensation of a public officer shall not be decreased during his term of office.

Section 6.08. Enactment of Budget Bill.

The General Assembly shall remain in session until the budget has been enacted. If the budget bill shall not have been passed by both houses of the General Assembly by the eightieth day of its regular session, the General Assembly shall finally enact no other legislation until the budget bill has been enacted. Within ten days following passage of the budget bill by both houses of the General Assembly, the governor may reduce or strike out any appropriation contained in the budget bill, and each reduction or veto of an appropriation item shall be effective unless overridden by a vote of three-fifths of all the members of each house of the General Assembly within ten days after the action by the governor.

Amendment No. 2A, to Amendment No. 2, to Committee Recommendation No. SF-5, By Delegate Adkins , from the floor.  
The amendment was duly seconded.

In Section 6.07 Amendment of Budget Bill strike out the words "estimate of revenues" and insert in lieu thereof the following words: "total budgeted expenditures".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Adkins, Anderson, Armor, Bamberger, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell,





Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E.J.,  
Dabrowski, Darby, Della, Dorsey, Dukes, Finch, Fornos, Fox,  
Gallagher, Gilchrist, Grant, Groh, Grumbacher, Bullett,  
Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins,  
Hostetter, Jett, Johnson, Key, Kiefer, Kirkland, Koss, Lord,  
Macdonald, Marion, Maurer, Miller B., Mitchell, Morgan, Moser,  
Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson,  
Neumann, Powers, Pullen, Ritter, Robey F.C., Robie K.L.,  
Rollins, Scanlan, Schloeder, Sickles, Siewierski, Smith A.W.,  
Smith J.H., Smith M.H., Sollins, Sybert, Taylor H.E., Taylor L.,  
Vecera, Webb, Weidemeyer, White, Willoner, Winslow.

Total--91

#### Negative

#### Delegates--

Tawes, Clark J., James, Baumann, Beall, Dulany,\*Frederick,  
Freedlander, Koger, Kosakowski, Litzel, Linton, Mason,  
Mentzer, Penniman, Peters, Raley, Rosenstock, Rush,  
Rybczynski, Schneider, Sherbow, Soul, Stern, Storm, Ulrich,  
Willis.

Total--28

\*Eckenrode

#### Not Voting

#### Delegates--

Abramson, Bard, Boyer, Boyles, Burgess, Bushong, Cicone,  
Cleveland, Gill, Gleason, Hardwicke, Harris, Hutchinson,  
Kahl, Malkus, Miller E.T., Murphy, Pascal, Price, Singer,  
Sosnowski, Wagandt, Wheatley.

Total--23

AMENDMENT NO. 2 BY DELEGATE HANSON WAS REJECTED BY  
YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates--

Bamberger, Bennett, Borom, Bothe, Boyce, Bryson, Burdette,  
Byrnes, Chabot, Finch, Fornos, Fox, Gallagher, Groh, Grumbacher,  
Gullett, Hanson, Jett, Johnson, Kosakowski, Koss, Lord,  
Marion, Maurer, Miller B., Mitchell, Morgan, Needle,  
Pullen, Robey F.C., Scanlan, Schloeder, Sickles, Smith A.W.,  
Sollins, Storm, Taylor L., Wagandt, Weidemeyer, White,  
Willoner.

Total--41

#### Negative

#### Delegates--

President, Tawes, Clark J., James, Anderson, Armor, Barrick,  
Baumann, Beachley, Beall, Blair, Boileau, Bradshaw, Buzzell,  
Caldwell, Cardin, Carson, Case, Child, Clagett, Clarke E.J.,  
Dabrowski, Darby, Della,\*Dukes, Dulany, Eckenrode, Frederick,  
Freedlander, Gilchrist, Grant, Hargrove, Harkness, Henderson,



Hickman, Hopkins, Hostetter, Key, Kiefer, Kirkland, Koger, Litzel, Linton, Macdonald, Mason, Mentzer, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Powers, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Siewierski, Smith J.H., Smith M.H., Soul, Stern, Sybert, Taylor H.E., Ulrich, Vecera, Webb, Willis, Winslow. Total--78

\*Dorsey

Not Voting

Delegates--

Abramson, Adkins, Bard, Boyer, Boyles, Burgess, Bushong, Cicone, Cleveland, Gill, Gleason, Hardwicke, Harris, Hutchinson, Kahl, Malkus, Miller E.T., Murphy, Pascal, Price, Singer, Sosnowski, Wheatley. Total--23

Amendment No. 3, to Committee Recommendation No. SF-5, By Delegate Bamberger, from the floor. The amendment was duly seconded.

In Section 6.07, Amendment of Budget Bill after the word "officer" add the words: "provided for in the State budget".

WITHDRAWN WITH PERMISSION OF THE COMMITTEE OF THE WHOLE.

COMMITTEE RECOMMENDATION NO. SF-5 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Adkins, Armor, Bamberger, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Child, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--119





## Negative

Delegates--

None

## Not Voting

Delegates--

Abramson, Anderson, Bard, Boyer, Burgess, Bushong, Carson, Chabot, Cicone, Cleveland, Dorsey, Finch, Gill, Gleason, Hardwicke, Key, Kiefer, Miller B., Miller E.T., Moser, Price, Rush, Sosnowski. Total--23

Mrs. Koss, Chairman of the Committee on Suffrage and Elections reported on Committee Recommendation No. S&E-2.

A RECOMMENDATION that Article II of the Constitution dealing with Suffrage and Elections shall include the following:

### Section 1. Eligible Voters in Federal, State and County Elections

Every citizen of the United States who has attained the age of nineteen years, who has been a resident of the State for six months and of the House of Delegates District in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote for all officers to be elected by the people and upon all questions submitted to a vote of the people. Removal from one district to another in this State shall not deprive a person of his qualification to vote in the House district from which he has removed until three months after his removal.

### Section 2. Eligible Voters in Municipal Elections

Qualifications for voters in municipal elections shall be the same as for State elections, except that a municipality may by law establish a period of minimum residence not exceeding one year, may by law provide a lower minimum voting age and may by law extend the right to vote to nonresidents owning taxable property within its limits.

### Section 3. Eligible Voters in Presidential Elections

For purposes of voting for President and Vice President of the United States or electors for those offices, the General Assembly shall by public general law establish lesser residence requirements for citizens who have resided in this State for less than six months. The General Assembly may by law waive residence requirements for former registered voters of this State who have moved from this State but shall not permit voting by any person who meets the voting residence requirements of the State to which he has moved.



#### Section 4. Voters in United States Enclaves

A person shall not be deemed ineligible to vote in any election solely by reason of the fact that he resides on land over which the United States exercises jurisdiction.

#### Section 5. Disqualification

No person who has been adjudicated non compos mentis shall be entitled to vote until such adjudication is removed. The General Assembly shall by public general law establish disqualifications for voting by reason of conviction of serious crime, and shall by law provide for the removal of such disqualifications.

#### Section 6. Uniform Conduct of Elections

The General Assembly shall be public general laws define residence, establish a uniform system of permanent registration of voters, provide for the nomination of candidates, regulate the time, place and manner of elections, provide for the uniform administration of elections and for absentee voting, insure secrecy of voting, and protect the integrity of the election process. The General Assembly shall by law establish a state agency to supervise and insure the uniform administration of laws under this section.

A municipal corporation may by law establish election dates and procedures for the administration and regulation of its municipal elections subject to such procedures and standards as the General Assembly may provide by public general laws.

#### Section 7. General Elections

A general election shall be held in every even numbered year on the Tuesday next after the first Monday in November.

A general election shall be held on the Tuesday next after the first Monday in November in 1970 and every fourth year thereafter at which time State officials shall be elected.

A general election shall be held on the Tuesday next after the first Monday in November in 1971 and every fourth year thereafter at which time county officials shall be elected.

#### Section 8. Pluralities

The candidates receiving the greatest number of votes shall be elected to, or in the case of primary elections, become the nominee for, the offices for which they were candidates.





## Section 9. No Property Test for Public Office

No ownership of an interest in property shall be required as a condition for voting except with respect to nonresident property owners in municipal elections, or for holding any elective or appointive office in this State or in any governmental unit, except that office holders may be required by law to furnish appropriate bonds.

At the request of Delegate Scanlan, a quorum call was taken, which resulted in the following delegates answering the call:

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Dabrowski, Darby, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--118

Mr. Rybczynski, from Suffrage and Elections Committee reported Minority Report No. S&E-2(B), By Delegates Rybczynski, Baumann, Cardin, Frederick, E. Miller, D. Murray, and Soul, of the Committee on Suffrage and Elections. This Minority Report relates to Committee Recommendation No. S&E-2.

### A MINORITY REPORT on Voting Age

Maryland has maintained 21 as the minimum age for voting since it became a State. This practice was a continuation of an English tradition which had persisted since medieval times. A tradition which has served us well for so long ought not to be abandoned.

Lowering the voting age is not, as had been suggested, a matter of extending the franchise to a new group of people. It is simply a matter of permitting those who will be enfranchised to exercise the franchise two years earlier. For this reason, lowering the voting age cannot be compared with woman suffrage or economic discrimination.

Suffrage has traditionally been granted when there has been considerable confidence that the persons to whom this suffrage was granted will exercise it in a responsible manner



and that they will be participants in the government of the State and the community which they help elect.

\* \* \*

Many individual students testified that they themselves are not ready to vote and believe that their fellow teenagers are not ready to vote.

\* \* \*

We are not suggesting all persons 18, 19, and 20 are bad. We are suggesting that an overwhelming percentage of persons 18, 19 and 20 years of age are not ready to vote because of lack of development and sense of responsibility.

The minority is also concerned that reduction in the age for voting may lead to a reduction in the age of majority. This was done in three of the four states that lowered their voting age. We are suggesting that by lowering the voting age, every element of the commercial field will attempt to force the lowering of the age of majority as to drinking alcoholic beverages, contracts (which will include small loans, credit cards, mortgages, etc.), automobile financial responsibility, marriage, and other matters. The minority thinks that any change in the reduction of the age of majority in this State should only be done after a thorough study of all the implications of such a change, yet finds it difficult to distinguish between the arguments offered for lowering the voting age and the age of majority.

It is believed that we will sacrifice tens of thousands of votes at the special election for the ratification of this Constitution by lowering the voting age, whereas none will be lost by keeping the voting age where it is now - at 21 years.

After two years of study the Constitutional Commission arrived at the same conclusion - 21 years of age for voting eligibility.

The minority emphasizes that it is denying the right to vote to no one. It is merely advocating that this right not be advanced to a group which has not been demonstrated to possess fundamental perquisites, the combination of education, experience and social responsibility which will permit them to exercise the vote in a responsible manner.

\* \* \*

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that it has concluded its consideration of Recommendation No. SF-5 and approved it as amended, and that it is now considering Committee Recommendation No. S&E-2 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:25 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded its consideration of Com-





mittee Recommendation No. SF-5 and has approved the Recommendation as amended by the Committee of the Whole. He also reported that the Committee has under consideration Committee Recommendation S&E-2 and desires to sit again on the matter.

The President then referred Committee Recommendation No. SF-5 together with its amendments to the COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

At 6:28 P.M. on motion of Delegate Powers, the Convention took a recess until 8:00 P.M.

At 8:00 P.M. the Convention resumed its session. Present at roll call were the following Delegates:

President, Tawes, Clark J., James, Adkins, Anderson, Bamberger, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray L.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total--124

#### REPORTS OF OTHER STANDING COMMITTEES

Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole to resume consideration of Committee Recommendation No. S&E-2 and other General Orders of the Day.

#### COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 8:23 P.M. Consideration of Committee Recommendation No. S&E-2 resumed.

Amendment No. 1, to Committee Recommendation No. S&E-2, By Delegates Rybczynski, Baumann, Cardin, Frederick, E. Miller, D. Murray, and Soul, from the floor. The amendment was duly seconded.

In Section 1 Eligible Voters in Federal, State and County Elections, strike out the word "nineteen" and insert in lieu thereof the word "twenty-one".



Amendment No. 1-A, to Amendment No. 1, to Committee Recommendation No. S&E-2, By Delegates Hutchinson, and Schloeder, from the floor. The amendment was duly seconded.

Strike out the word "twenty-one" and insert in lieu thereof the word "eighteen".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Bamberger, Barrick, Baumann, Bennett, Boileau, Borom, Boyles, Buzzell, Caldwell, Carson, Dabrowski, Darby, Della, Dorsey, Eckenrode, Gallagher, Grant, Grumbacher, Gullett, Hanson, Hargrove, Hopkins, Hostetter, Hutchinson, Jett, Kahl, Key, Kiefer, Kirkland, Malkus, Marion, Mason, Miller B., Mitchell, Moser, Needle, Pullen, Robey F.C., Scanlan, Schloeder, Sickles, Siewierski, Sollins, Stern, Storm, Taylor H.E., Taylor L., Wheatley, White, Willis, Willoner, Winslow. Total--52

#### Negative

##### Delegates--

President, Clark J., James, Adkins, Anderson, Beachley, Beall, Blair, Bothe, Boyce, Boyer, Bryson, Burdette, Burgess, Byrnes, Cardin, Case, Chabot, Child, Clagett, Clarke E.J., Dulany, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Groh, Harkness, Harris, Henderson, Hickman, Johnson, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Maurer, Mentzer, Morgan, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Pascal, Perniman, Peters, Powers, Price, Raley, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Sybert, Ulrich, Vecera, Wagandt, Weidemeyer, Webb. Total--76

#### Not Voting

##### Delegates--

Tawes, Abramson, Armor, Bard, Bradshaw, Bushong, Cicone, Cleveland, Dukes, Hardwicke, Leitzel, Miller E.T., Mosner, Ritter. Total--14

Amendment No. 1, to Committee Recommendation No. S&E-2, By Delegates Rybczynski, Baumann, Cardin, Frederick, E. Miller, D. Murray and Soul.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates--

James, Anderson, Baumann, Beall, Blair, Burdette, Burgess, Buzzell, Caldwell, Cardin, Child, Clagett, Della, Dorsey, Dulany, Eckenrode, Finch, Frederick, Freedlander, Gilchrist, Groh, Harkness, Henderson, Hickman, Hostetter, Johnson, Kosakowski, Macdonald, Malkus, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Price, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Smith M.H., Soul, Sybert, Vecera, Webb, Weidemeyer. Total--49

## Negative

### Delegates--

President, Tawes, Clark J., Adkins, Bamberger, Barrick, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bryson, Byrnes, Carson, Chabot, Clarke E.J., Dabrowski, Darby, Fornos, Fox, Gallagher, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harris, Hopkins, Hutchinson, Jett, Kahl, Key, Kiefer, Kirkland, Koger, Koss, Linton, Lord, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Needle, Pascal, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Scanlan, Schloeder, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Wagandt, Wheatley, White, Willis, Willoner, Winslow. Total--79

## Not Voting

### Delegates--

Abramson, Armor, Bard, Bradshaw, Bushong, Case, Cicone, Cleveland, Dukes, Hardwicke, Leitzel, Miller E.T., Mosner, Ritter. Total--14

Amendment No. 2, to Committee Recommendation No. S&E-2, By Delegate Cardin, from the floor. The amendment was duly seconded.

In Section 1 Eligible Voters in Federal, State and County Elections, strike out the word "nineteen" and insert in lieu thereof the word "twenty".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates--

Clark J., James, Adkins, Baumann, Beall, Blair, Boyer, Burdette, Burgess, Caldwell, Cardin, Chabot, Child, Clagett, Della, Dorsey, Dulany, Eckenrode, Finch, Frederick, Freedlander, Gilchrist, Groh, Harkness, Henderson, Hickman, Johnson, Kosakowski, Linton, Macdonald, Mentzer, Mudd, Murphy, Murray D.S., Murray E.C., Neumann, Penniman, Peters, Price, Robie K.L., Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Smith M.H., Soul, Sybert, Vecera, Weidemeyer. Total--50

## Negative

### Delegates--

President, Tawes, Anderson, Bamberger, Barrick, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bryson, Buzzell, Byrnes, Carson, Case, Clarke E.J., Dabrowski, Darby, Fornos, Fox, Gallagher, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harris, Hopkins, Hutchinson, Jett, Kahl, Key, Kiefer, Kirkland, Koger, Koss, Lord, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Needle, Pascal, Powers, Pullen, Raley, Ritter, Robey F.C., Rollins, Schloeder, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Wheatley, White, Willis, Willoner, Winslow. Total--76

## Not Voting

### Delegates--

Abramson, Armor, Bard, Bradshaw, Bushong, Cicone, Cleveland, Dukes, Hardwicke, Hostetter, Leitzel, Malkus, Miller E.T., Mosner, Neilson, Scanlan. Total--16

Amendment No. 3. to Committee Recommendation No. S&E-2, By Delegates Cardin and Dulany, from the floor. The amendment was duly seconded.

In Section 1 Eligible Voters in Federal, State and County Elections strike out the words "nineteen years" and insert in lieu thereof the words:

"legal majority as determined by the General Assembly".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates--

Adkins, Baumann, Beall, Blair, Boyer, Burdette, Burgess, Buzzell, Caldwell, Cardin, Child, Clagett, Della, Dorsey, Dulany, Eckenrode, Finch, Frederick, Freedlander, Gilchrist, Groh, Harkness, Henderson, Hickman, Kosakowski, Linton, Macdonald, Mudd, Murray D.S., Neilson, Neumann, Penniman, Peters, Ritter, Rosenstock, Rybczynski, Smith M.H., Soul, Sybert, Vecera, Webb, Weidemeyer. Total--42

## Negative

### Delegates--

President, Tawes, Clark J., James, Anderson, Bamberger, Barrick, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bryson, Byrnes, Carson, Case, Chabot, Clarke E.J., Dabrowski, Darby, Fornos, Fox, Gallagher, Gill, Gleason, Grant, Grumbacher, Bullett, Hanson, Hargrove, Harris, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Koss, Lord, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Murray E.C., Needle, Pascal, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Wagandt, Wheatley, White, Willis, Willoner, Winslow. Total--84

## Not Voting

### Delegates--

Abramson, Armor, Bard, Bradshaw, Bushong, Cicone, Cleveland, Dukes, Hardwicke, Leitzel, Malkus, Miller E.T., Mosner, Murphy, Rush, Scanlan. Total--16

Amendment No. 4, to Committee Recommendation No. S&E-2, By Delegate Finch, from the floor. The amendment was duly seconded.

In Section 1 Eligible Voters in Federal, State and County Elections, strike out the words "attained the age of nineteen years" and insert in lieu thereof the following:

", by or after January 1, 1968, attained the age of twenty years, and by or after January 1, 1972, attained the age of nineteen years, and by or after January 1, 1976, attained the age of eighteen years".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates--

Boyer, Boyles, Burgess, Cardin, Child, Dorsey, Dulany,  
Eckenrode, Finch, Gilchrist, Mudd, Murray D.S., Ritter,  
Webb, Weidemeyer. Total--15

## Negative

### Delegates--

President, Clark J., James, Adkins, Anderson, Bamberger, Barrick,  
Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bryson,  
Burdette, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot,  
Clagett, Clarke E.J., Dabrowski, Darby, Della, Fornos, Fox,  
Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher,  
Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman,  
Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key,  
Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord,  
Macdonald, Marion, Mason, Maurer, Mentzer,\* Mitchell, Morgan,  
Moser, Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman,  
Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L.,  
Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski,  
Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski,  
Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich,  
Wagandt, Wheatley, White, Willis, Willoner, Winslow,  
\* Miller B. Total--102

## Not Voting

### Delegates--

Tawes, Abramson, Armor, Bard, Baumann, Beall, Bradshaw,  
Bushong, Cicone, Cleveland, Dukes, Frederick, Hardwicke,  
Harris, Leitzel, Malkus, Miller E.T., Mosner, Murphy, Price,  
Rollins, Rosenstock, Rush, Scanlan, Vecera. Total--25

Amendment No. 5, to Committee Recommendation No. S&E-2, By  
Delegate James, from the floor. The amendment was duly  
seconded.

In Section 1 Eligible Voters in Federal, State and  
County Elections, strike out the words "for three months"  
and insert in lieu thereof the following: "as of the time  
for closing of registration";

and strike out the sentence beginning "Removal from".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:





## Affirmative

### Delegates--

Tawes, Clark J., James, Barrick, Beachley, Bennett, Blair, Borom, Boyles, Burdette, Buzzell, Caldwell, Carson, Case, Della, Dorsey, Dulany, Eckenrode, Finch, Gallagher, Gilchrist, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Harkness, Hutchinson, Jett, Kiefer, Kirkland, Kosakowski, Linton, Lord, Malkus, Mason, Maurer, Morgan, Mudd, Neumann, Peters, Pullen, Raley, Sherbow, Sickles, Siewierski, Smith A.W., Smith M.H., Storm, Sybert, Taylor L., Willis. Total--53

## Negative

### Delegates--

President, Adkins, Anderson, Bamberger, Boileau, Bothe, Boyce, Bryson, Byrnes, Cardin, Child, Clagett, Clarke E.J., Dabrowski, Darby, Fox, Freedlander, Gill, Hargrove, Harris, Henderson, Hickman, Hostetter, Johnson, Kahl, Key, Koger, Koss, Macdonald, Marion, Mentzer,\*Mitchell, Murray D.S., Murray E.C., Needle, Neilson, Pascal, Penniman, Powers, Robey F.C., Robie K.L., Rollins, Rush, Rybczynski, Schloeder, Schneider, Singer, Smith J.H., Sollins, Sosnowski, Soul, Stern, Taylor H.E., Ulrich, Wagandt, Weidemeyer, White, Willoner, Winslow. Total--60

\* Miller B.

## Not Voting

### Delegates--

Abramson, Armor, Bard, Baumann, Beall, Boyer, Bradshaw, Burgess, Bushong, Chabot, Cicone, Cleveland, Dukes, Fornos, Frederick, Hardwicke, Hopkins, Leitzel, Miller E.T., Moser, Mosner, Murphy, Price, Ritter, Rosenstock, Scanlan, Vecera, Webb, Wheatley. Total--29

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention, that the Committee has not concluded its consideration of Committee Recommendation No. S&E-2 and desires to sit again on the matter.

At 10:41 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has not concluded its consideration of Committee Recommendation No. S&E-2 and desires to sit again on the matter.

At 10:42 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Thursday, December 7, 1967, at 10:00 A.M.



CONSTITUTIONAL CONVENTION OF MARYLAND  
JOURNAL OF PROCEEDINGS

Annapolis, Md., Thurs., Dec. 7, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. Richard C. Hughes, Pitts Creek, Presbyterian Church, Pocomoke City, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--134

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

MEMORANDUM RE: COMMITTEE RECOMMENDATION LB-1, By Delegates  
Adkins, Byrnes, Carson, Case, Dulany, James, Lord, and Sherbow.

Desirability of Granting Flexibility to the Redistricting Commission

Because of debate limitations and the absence of a formal Minority Report by dissenting members of the Legislative Branch





Committee, those who questioned the wisdom of compulsory single member districts experienced some difficulty in presenting all of the relevant arguments for permitting redistricting to be accomplished by a more flexible formula.

The tentative decision by the Committee of the Whole will have such far reaching effects that we felt it incumbent on us to share with you our concerns in this vital matter in the event you may wish to reconsider this decision on second reading.

There is no question that the very large multi-member districts in this State are unfortunate and should be eliminated. There is no question that sparsely populated areas of the state should be afforded the right to single member districts in order to permit them a delegate from their own areas.

It is respectfully submitted that mandating single member districts throughout the state is an over reaction to the problems created by seven and eight member districts.

Small multi-member districts where appropriate will solve all of these problems without creating the even more serious problems spawned by single member districts.

It is impossible for this convention to predict what will occur in this state during the next forty, fifty or one hundred years and it has been our constant theme in recognition of this to permit the proper authorities a reasonable amount of flexibility in solving problems. Flexibility is all that is suggested. Don't mandate multi-member districts and don't mandate single member districts. Mandate only reasonable limitations and permit the proper redistricting authorities to solve districting problems according to the needs and realities of each political subdivision.

The point of this memo is to suggest the advantages of small multi-member districts and some of the disadvantages of compulsory single member districts in order to emphasize the need to permit the redistricting commission some flexibility.  
\* \* \*

The American Assembly report on single member districts included the following comments;

"The member who is elected from a single member district may become the spokesman for a few narrow interests. He may be able to maintain personal contact with his constituents, although he is likely to be handicapped in publicizing his actions because he gets little attention in the news media that cover the entire metropolis.

. . . .

". . . the districts may become grossly unequal in the ten years following a census, frequent redistricting may be chaotic and vulnerable to gerrymandering, legislators may represent only





narrow interests, and there may be no one capable of viewing the country's problems as a whole.

"There is precedent for electing members in a metropolitan county at large in one house and by single member districts in the other, or combining the two techniques in one branch of the legislature

"Another practice that has been used is the establishment of a number of small districts ... in a county. If it were possible to divide a county into natural boundaries of some kind, these could remain unchanged (and not subject to gerrymandering) while the number of members in each district varied with population changes. Even if this were not feasible, the use of several multi-member districts would minimize the problem of drawing and redrawing boundaries. It might ensure that major political interests in the county were represented without making each legislator a spokesman for a single narrow interest, and it might establish a reasonable maximum limit to both the length of the ballot and the costs of legislative campaigns.

Again, the point of this paper is to suggest that compulsory single member districts ties the hands of the districting commission in a way that is not only extreme but unproductive of the results desired by the advocates of single member districts. We urge you to give some flexibility to the commission by permitting the establishment of single, two or three member districts.

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

#### COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. James Clark presided at 10:12 A.M. Consideration of Committee Recommendation S&E-2 resumed.

Mr. White from the Committee on Suffrage and Elections reported on Minority Report No. S&E-2(C), By Delegates White, Byrnes, Chabot, Schloeder, of the Committee on Suffrage and Elections. This Minority Report relates to Committee Recommendation No. S&E-2.

A MINORITY REPORT recommending that the right to vote not be extended to nonresident property owners in municipalities.

The minority strongly recommends that municipal corporations be denied the right to discriminate on account of property ownership in extending the right to vote to nonresidents.

\* \* \*





There can be no doubt that property qualifications for voting have existed for centuries. There were property qualifications for voting in most states of the United States at the time of the Constitutional Convention and for some time thereafter.

Property qualifications however are relics of a bygone predemocratic era when the landed gentry and the wealthy classes were attempting to maintain a restrictive franchise.

The history of the property franchise reveals very clearly that this was based upon the notion that only those who owned land has a stake in the society. The minority does not wish to debate whether this idea had any basis in fact at the time. It does wish to emphasize two major points: (1) Economic discrimination and property qualifications have no place in a modern democratic society; and (2) real estate without question no longer is considered the basis of one's "stake in society".

\* \* \*

If there is one trend in which all of the states are consistent, it is the trend to abolish the property qualification for voting. No State has added such a provision in over one hundred years. Maryland has no such provision now. Communities such as Ocean City have been permitted to deviate from the constitution only because an 1896 Court decision Hanna v. Young, 84 Md. 179, found that municipalities were not bound by the Maryland Constitution. The minority thinks that the deviations from State standards have proven that decision unwise. Maryland ought not become the first state in over a century to enshrine a property qualification for voting in its Constitution.

At 11:45 A.M., Mr. Eney returned to the Chamber and took over as Chairman of the Committee of the Whole.

Amendment No. 6, to accompany Minority Report No. S&E-2(C), to Committee Recommendation No. S&E-2, By Delegates White, Byrnes, Chabot, and Schloeder, from the floor. The amendment was duly seconded.

In Section 2 Eligible Voters in Municipal Elections, strike out the words "and may by law extend the right to vote to nonresidents owning taxable property within its limits".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., James, Bamberger, Bard, Barrick, Bennett, Boileau, Bradshaw, Byrnes, Chabot, Cicone, Eckenrode, Fornos, Gill, Grumbacher, Gullett, Hanson, Hardwicke, Harris, Jett, Key, Koger, Koss, Marion, Maurer, Mentzer, Miller B., Mitchell, Mudd, Raley, Robey F.C., Rosenstock, Schloeder, Sherbow,



Siewierski, Singer, Smith M.H., Sollins, Taylor L., Ulrich,  
Wagandt, Wheatley, White, Willis, Winslow. Total--45

#### Negative

##### Delegates--

President, Tawes, Abramson, Adkins, Anderson, Armor, Baumann,  
Beachley, Beall, Blair, Boyer, Bryson, Burdette, Burgess,  
Buzzell, Cardin, Case, Child, Clagett, Clarke E.J., Dabrowski,  
Darby, Della, Dorsey, Dukes, Dulany, Fox, Frederick, Freedlander,  
Gallagher, Gilchrist, Gill, Grant, Hargrove, Harkness, Henderson,  
Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kiefer,  
Kirkland, Leitzel, Linton, Lord, Macdonald, Malkus, Morgan,  
Moser, Mosner, Murphy, Murray D.S., Murray E.C., Needle,  
Neilson, Neumann, Pascal, Penniman, Peters, Powers, Ritter,  
Robie K.L., Rollins, Rush, Rybczynski, Scanlan, Schneider,  
Smith J.H., Soul, Stern, Storm, Sybert, Taylor H.E., Webb,  
Weidemeyer, Willoner. Total--77

#### Not Voting

##### Delegates--

Borom, Bothe, Boyce, Boyer, Boyles, Bushong, Caldwell, Carson,  
Cleveland, Finch, Gleason, Grant, Groh, Kahl, Kosakowski,  
Mason, Miller E.T., Price, Pullen, Sickles, Sosnowski,  
Vecera. Total--20

Amendment No. 7, to Committee Recommendation No. S&E-2, By  
Delegate Storm, from the floor. The amendment was duly  
seconded.

In Section 2 Eligible Voters in Municipal Elections,  
strike out all of lines 4 through 9, inclusive, and insert  
in lieu thereof the following words: "shall be determined  
by the charter of the municipal corporation".

AMENDMENT NO. 7 WAS WITHDRAWN WITH PERMISSION OF THE  
COMMITTEE.

Amendment No. 8, to Committee Recommendation No. S&E-2, By  
Delegate Gullett, from the floor. The amendment was duly  
seconded.

In Section 2 Eligible Voters in Municipal Elections  
strike out all of lines 4 through 9, inclusive, and insert  
in lieu thereof the following:

"may be established by law by municipal corporations subject  
to such procedures and standards as the General Assembly may  
provide by public general laws. No municipal corporation may  
establish a voting age requirement of more than nineteen years  
nor a residency requirement of more than one year."

Amendment No. 8A, to Committee Recommendation No. S&E-2, By  
Delegate Bamberger, from the floor. The amendment was duly  
seconded.





In Amendment 8 to Committee Recommendation S&E-1, strike out the words "of more than nineteen years" and insert in lieu thereof the following words, "different from the voting age for State elections".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Bard, Blair, Bradshaw, Burdette, Buzzell, Byrnes, Cardin, Child, Cicone, Dulany, Finch, Gilchrist, Gill, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Key, Kosakowski, Macdonald, Mentzer, Miller B., Mitchell, Mosner, Mudd, Murray D.S., Murray E.C., Raley, Robey F.C., Robie K.L., Singer, Smith A.W., Taylor L., Winslow.

Total--46

Negative

Delegates--

President, Barrick, Baumann, Beachley, Beall, Bennett, Boileau, Borom, Boyer, Bryson, Carson, Case, Chabot, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hostetter, Hutchinson, Kirkland, Koger, Koss, Leitzel, Linton, Marion, Maurer, Morgan, Moser, Murphy, Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner.

Total--78

Not Voting

Delegates--

Abramson, Bothe, Boyce, Boyles, Burgess, Bushong, Caldwell, Cleveland, Fornos, Gleason, Groh, Kiefer, Lord, Malkus, Mason, Miller E.T., Price, Webb.

Total--18

AMENDMENT NO. 8 BY DELEGATE GULLETT WAS THEN READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Bamberger, Bard, Barrick, Baumann, Beachely, Beall, Boileau, Borom, Boyce, Boyer, Bradshaw, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child,



Cicone, Clarke E.J., Dulany, Eckenrode, Finch, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Hopkins, Jett, Key, Kirkland, Koger, Leitzel, Linton, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Needle, Neilson, Neumann, Penniman, Pullen, Raley, Robey F.C., Robie K.L., Rosenstock, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith M.H., Sollins, Stern, Storm, Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--80

#### Negative

#### Delegates--

Adkins, Anderson, Armor, Bennett, Blair, Bryson, Clagett, Dabrowski, Darby, Della, Dorsey, Dukes, Fornos, Fox, Frederick, Freedlander, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kosakowski, Koss, Mosner, Murphy, Murray D.S., Murray E.C., Pascal, Peters, Powers, Ritter, Rollins, Rush, Rybczynski, Scanlan, Smith J.H., Sosnowski, Soul, Sybert, Taylor H.E., Vecera, Webb, Weidemeyer. Total--44

#### Not Voting

#### Delegates--

President, Abramson, Bothe, Boyles, Burgess, Bushong, Caldwell, Cleveland, Gleason, Groh, Henderson, Kiefer, Lord, Malkus, Mason, Miller E.T., Price, Wheatley. Total--18

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that the Committee has not concluded its consideration of Committee Recommendation No. S&E-2.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 12:57 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. S&E-2 and desires to sit again on the matter.

#### MOTIONS AND RESOLUTIONS

Resolution No. 25, By the Committee on Rules, Credentials and Convention Budget, Alfred Scanlan, Chairman.

A RESOLUTION concerning the Standing Rules of the Convention.

WHEREAS this Convention has heretofore adopted standing rules and has from time to time adopted amendments to these rules, and;

WHEREAS the standing rules, as amended through November 2, 1967 have been printed and have been distributed to the





delegates to this Convention, now therefore be it

RESOLVED that the printed edition of the Standing Rules of the Convention distributed this date to the delegates to the Convention, be and are hereby adopted as the official edition of the Standing Rules of the Convention for all purposes of citation as may hereafter arise; provided, however, that the Secretary of the Convention be and is hereby authorized to correct any error in the printed edition of the Standing Rules which may be discovered.

Delegate Scanlan, duly seconded, moved that Rule No. 42 that requires a resolution to be referred to the appropriate Committee be suspended so that Resolution No. 25 can be considered immediately.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Frederick, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willoner, Winslow.  
Total--121

Negative

Delegates--

Burdette.

Total--1

Not Voting

Delegates--

Bothe, Boyles, Burgess, Bushong, Caldwell, Cleveland, Fornos, Fox, Freedlander, Gleason, Koss, Malkus, Mason, Miller E.T.,



Price, Smith M.H., Webb, Willis, James, Anderson. Total--120

RESOLUTION NO. 25 WAS THEN READ AND ADOPTED BY ROLL  
CALL VOTE AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Armor, Bamberger,  
Bard, Barrick, Baumann, Beachley, Bennett, Blair, Boileau,  
Borom, Boyce, Boyer, Bradshaw, Buzzell, Cardin, Carson, Case,  
Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby,  
Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick,  
Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett,  
Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson,  
Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl,  
Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton,  
Macdonald, Marion, Maurer, Mentzer, Mitchell, Morgan, Moser,  
Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle,  
Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen,  
Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock,  
Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow,  
Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins,  
Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L.,  
Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willis,  
Willoner, Winslow, Byrnes, Lord, Webb. Total--121

Negative

Delegates--

Malkus. Total--1

Not Voting

Delegates--

James, Anderson, Beall, Bothe, Boyles, Bryson, Burdette,  
Burgess, Bushong, Caldwell, Cleveland, Fornos, Freedlander,  
Gleason, Koss, Mason, Miller B., Miller E.T., Price, Smith M.H.  
Total--20

At 1:08 o'clock P.M. on motion of Mr. Powers, duly  
seconded, the Convention took a recess until 2:30 o'clock  
P.M.

At 2:30 P.M. the Convention resumed its session. Present  
at roll call were the following delegates:

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,  
Armor, Bamberger, Bard, Baumann, Beachley, Beall, Bennett,  
Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw,





Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--135

Delegate Powers, duly seconded, moved that debate schedules No. 10 and 11 be adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

#### COMMITTEE ON CALENDAR AND AGENDA

##### Debate Schedule No. 10

##### For Debate of Committee Recommendation No. R&P-1

There will be no general debate, and after presentation by the chairman, the Recommendation will be open to debate and amendment, no speech exceeding there (3) minutes (except as other wise provided).

\* \* \*

Presentation by sponsor of amendments limited to 10 minutes including time yielded in answering questions.

Note: Speeches alternate between sides.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

##### Debate Schedule No. 11

##### For Debate of Committee Recommendation No. R&P-2

There will be no general debate, and after presentation by the chairman, the Recommendation will be open to debate and amendment, no speech exceeding three (3) minutes.

\* \* \*

Presentation by sponsor of amendments limited to ten (10) minutes including time yielded in answering questions.

Note: Speeches alternate between sides.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.



Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to resume consideration of Committee Recommendation S&E-2 and the other General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 2:47 P.M. Consideration of Committee Recommendation No. S&E-2 resumed.

Delegate Case, duly seconded, moved to reconsider the vote by which Amendment No. 5 by Delegate James was not adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Borom, Bothe, Boyer, Bradshaw, Burdette, Burgess, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Gallagher, Gilchrist, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Morgan, Needle, Neumann, Peters, Pullen, Raley, Ritter, Robie K.L., Rosenstock, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Stern, Storm, Sybert, Vecera, Webb, Wheatley, Willis, Rollins, Siewierski. Total--85

Negative

Delegates--

Blair, Boileau, Boyce, Bryson, Byrnes, Fox, Frederick, Freedlander, Gill, Koss, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Pascal, Penniman, Powers, Robey F.C., Rybczynski, Scanlan, Schloeder, Schneider, Sollins, Soul, Taylor H.E., Ulrich, Wagandt, Weidemeyer, White, Willoner, Winslow, Rush. Total--40

Not Voting

Delegates--

President, Boyles, Bushong, Cleveland, Harris, Kahl, Key, Koger, Lord, Malkus, Mason, Miller E.T., Price, Singer, Sosnowski, Taylor L., Macdonald. Total--17





Amendment No. 5 was then before the Committee of the Whole for consideration.

Amendment No. 5, to Committee Recommendation No. S&E-2, By Delegate James.

In Section 1, Eligible Voters in Federal, State and County Elections, strike out the words "for three months" and insert in lieu thereof the following: "as of the time for closing of registration";

and strike out the sentence beginning "Removal from".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Abramson, Adkins,\*Armor, Barrick, Baumann, Beachley, Beall, Blair, Borom, Boyer, Burdette, Burgess, Buzzell, Caldwell, Carson, Case, Child, Cicone, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Gilchrist, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett, Johnson, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Morgan, Murphy, Neumann, Peters, Raley, Ritter, Rosenstock, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Storm, Sybert, Webb, Willis. Total--64

\* Anderson,

Negative

Delegates--

Bamberger, Bard, Bennett, Boileau, Bothe, Boyce, Bradshaw, Bryson, Byrnes, Cardin, Chabot, Clagett, Clarke E.J., Dabrowski, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Hardwicke, Harris, Hostetter, Key, Koss, Lord, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Pascal, Penniman, Powers, Pullen, Robey F.C., Robie K.L., Rollins, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Siewierski, Sollins, Soul, Stern, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willoner, Winslow. Total--64

Not Voting

Delegates--

President, Boyles, Bushong, Cleveland, Hutchinson, Kahl, Koger, Macdonald, Malkus, Ma'son, Miller E.T., Price, Singer, Sosnowski. Total--14

Amendment No. 9, to Committee Recommendation No. S&E-2, by Delegate Chabot, from the floor. The amendment was duly seconded.

In Section 1 Eligible Voters in Federal, State, and County Elections, strike out the words "three months" and insert in lieu thereof respectively in each instance the words "thirty days".



WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Clark J., James, Bard, Barrick, Beachley, Bennett, Borom,  
Caldwell, Carson, Case, Chabot, Child, Cicone, Dabrowski,  
Darby, Della, Dukes, Eckenrode, Gilchrist, Grant, Groh,  
Grumbacher, Hanson, Harkness, Harris, Henderson, Hickman,  
Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Linton, Needle,  
Neumann, Peters, Raley, Schloeder, Sickles, Smith A.W.,  
Smith M.H., White, Willis. Total--43

Negative

Delegates--

Tawes, Abramson, Anderson, Armor, Baumann, Beall, Blair,  
Boileau, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess,  
Byrnes, Cardin, Clagett, Dulany, Finch, Fox, Frederick,  
Freedlander, Gallagher, Gill, Gullett, Jett, Key, Kiefer,  
Kirkland, Kosakowski, Koss, Leitzel, Macdonald, Marion,  
Maurer, Mentzer, Miller B., Morgan, Mosner, Mudd, Murphy,  
Murray D.S., Murray E.C., Neilson, Pascal, Penniman, Powers,  
Pullen, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock,  
Rush, Rybczynski, Scanlan, Sherbow, Siewierski, Smith J.H.,  
Sollins, Soul, Storm, Sybert, Taylor H.E., Ulrich, Vecera,  
Wagandt, Weidemeyer, Willoner, Winslow. Total--70

Not Voting

Delegates--

President, Adkins, Bamberger, Boyer, Boyles, Bushong, Buzzell,  
Clarke E.J., Cleveland, Dorsey, Fornos, Gleason, Hardwicke,  
Hargrove, Koger, Lord, Malkus, Mason, Miller E.T., Mitchell,  
Moser, Price, Schneider, Singer, Sosnowski, Stern, Taylor L.,  
Webb, Wheatley. Total--29

Amendment No. 10, to Committee Recommendation No. S&E-2, By  
Delegates Weidemeyer, Sosnowski, and Pullen, from the floor.  
The amendment was duly seconded.

In Section 1 Eligible Voters in Federal, State and  
County Elections, strike out the words "six months" and in-  
sert in lieu thereof the words "one year";

And strike out the word "three" and insert in lieu  
thereof respectively in each instance the word "six".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:





## Affirmative

### Delegates--

Anderson, Armor, Baumann, Beall, Blair, Burdette,  
Burgess, Cicone, Della, Finch, Groh, Hickman, Hostetter,  
Jett, Kisakowski, Leitzel, Mudd, Murphy, Peters, Pullen,  
Ritter, Rosenstock, Rush, Sosnowski, Stern, Storm, Vecera,  
Webb, Weidemeyer, Wheatley. Total--30

## Negative

### Delegates--

President, Tawes, Clark J., James, Abramson, Bard, Barrick,  
Beachley, Bennett, Borom, Bothe, Boyce, Bradshaw, Bryson,  
Byrnes, Cardin, Carson, Chabot, Child, Clagett, Dabrowski,  
Dukes, Fox, Frederick, Freedlander, Gallagher, Gilchrist,  
Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke,  
Hargrove, Harkness, Henderson, Hopkins, Hutchinson, Key,  
Koss, Linton, Macdonald, Marion, Maurer, Mentzer, Mitchell,  
Mosner, Murray D.S., Needle, Neilson, Neumann, Pascal, P  
Penniman, Powers, Raley, Robey F.C., Robie K.L., Rollins,  
Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Smith A.W.,  
Smith J.H., Smith M.H., Sollins, Soul, Sybert, Taylor H.E.,  
Taylor L., Wagandt, White, Willoner, Winslow. Total--75

## Not Voting

### Delegates--

Adkins, Bamberger, Boileau, Boyer, Boyles, Bushong, Buzzell,  
Caldwell, Case, Clarke E.J., Cleveland, Darby, Dorsey, Dulany,  
Eckenrode, Fornos, Gleason, Harris, Johnson, Kahl, Kiefer,  
Kirkland, Koger, Lord, Malkus, Mason, Miller B., Miller E.T.,  
Morgan, Moser, Murray E.C., Price, Schneider, Siewierski,  
Singer, Ulrich, Willis. Total--37

Amendment No. 11, to Committee Recommendation No. S&E-2, By  
Delegate Storm, from the floor. The amendment was duly  
seconded.

In Section 4 Voters in United States Enclaves, strike  
out the word "exercises" and insert in lieu thereof the  
word "has been ceded".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

## Affirmative

### Delegates--

Child, Cicone, Dukes, Eckenrode, Gilchrist, Gullett, Henderson,  
Hickman, Hopkins, Hostetter, Jett, Mudd, Smith M.H., Sosnowski,  
Stern, Storm, Sybert, Weidemeyer, Wheatley. Total--19



## Negative

### Delegates--

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Bard, Beachley, Beall, Blair, Boileau, Borom, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Chabot, Clagett, Clarke E.J., Dabrowski, Darby, Finch, Fornós, Fox, Frederick, Freedlander, Gill, Grumbacher, Hanson, Hardwicke, Harris, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Murray D.S., Needle, Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Sollins, Soul, Taylor H.E., Wagandt, White, Willoner, Winslow, Hargrove. Total--85

### Not Voting

### Delegates--

Abramson, Barrick, Baumann, Bennett, Bothe, Bushong, Carson, Case, Cleveland, Della, Dulany, Gallagher, Gleason, Grant, Groh, Harkness, Hutchinson, Kiefer, Leitzel, Malkus, Miller E.T., Mitchell, Murphy, Murray E.C., Neilson, Neumann, Price, Ritter, Rollins, Singer, Smith J.H., Taylor L., Ulrich, Vecera, Webb, Willis, Dorsey, Linton. Total--38

Amendment No. 12, to Committee Recommendation No. S&E-2, By Delegates Key and Taylor, from the floor. The amendment was duly seconded.

In Section 5 Disqualification, strike out the last sentence.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates--

Clark J., Bamberger, Bard, Beall, Bennett, Borom, Bothe, Bradshaw, Bryson, Burdette, Buzzell, Caldwell, Chabot, Dukes, Finch, Gill, Grant, Hanson, Hardwicke, Hargrove, Harris, Henderson, Jett, Key, Kirkland, Koger, Lord, Mason, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Penniman, Robey F.C., Sherbow, Sollins, Stern, Taylor H.E., Taylor L., Wagandt, White, Willoner, Winslow, Sickles. Total--46

### Negative

### Delegates--

President, Tawes, Adkins, Anderson, Armor, Beachley, Boyce, Boyer, Boyles, Burgess, Byrnes, Cardin, Carson, Child, Cicone,





Clarke E.J., Dabrowski, Darby, Della, Eckenrode, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Groh, Gullett, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Kahl, Kosakowski, Koss, Leitzel, Macdonald, Marion, Maurer, Moser, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Peters, Powers, Raley, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Siewierski, Smith A.W., Smith J.H., Smith M.H., Soul, Sybert, Vecera, Weidemeyer. Total--65

#### Not Voting

#### Delegates--

James, Abramson, Barrick, Baumann, Blair, Boileau, Bushong, Case, Clagett, Cleveland, Dorsey, Dulany, Fox, Gleason, Grumbacher, Johnson, Kiefer, Linton, Malkus, Mentzer, Miller E.T., Price, Pullen, Ritter, Singer, Sosnowski, Storm, Ulrich, Webb, Wheatley, Willis. Total--31

Amendment No. 13, to Committee Recommendation No. S&E-2, By Delegate Hanson, from the floor. The amendment was duly seconded.

In Section 3. Eligible Voters in Presidential Elections, strike out the last sentence.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates--

Adkins, Bamberger, Bard, Bennett, Blair, Boileau, Borom, Bothe, Boyles, Bradshaw, Bryson, Buzzell, Caldwell, Cardin, Carson, Case, Child, Della, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hickman, Hopkins, Hostetter, Jett, Kahl, Key, Macdonald, Mason, Maurer, Mentzer, Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Neilson, Peters, Powers, Ritter, Robie K.L., Rosenstock, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer. Total--66

#### Negative

#### Delegates--

President, Tawes, James, Anderson, Armor, Beachley, Boyce, Boyer, Burdette, Byrnes, Chabot, Clagett, Dabrowski, Darby, Frederick, Harkness, Hutchinson, Johnson, Kosakowski, Koss, Leitzel, Marion, Miller B., Murray D.S., Needle, Neumann, Pascal, Penniman, Pullen, Raley, Rollins, Rush, Rybczynski, Schloeder, Smith J.H., Smith M.H., Sollins, Soul, Stern, Vecera, White, Willoner, Winslow, Burgess. Total--44



## Not Voting

### Delegates--

Clark J., Abramson, Barrick, Baumann, Beall, Bushong, Cicone, Clarke E.J., Cleveland, Dorsey, Dukes, Dulany, Fornos, Gleason, Grumbacher, Harris, Kiefer, Kirkland, Koger, Linton, Malkus, Miller E.T., Murray E.C., Price, Robey F.C., Singer, Sosnowski, Storm, Taylor L., Wheatley, Willis, Lord. Total--32

At 5:50 P.M. a quorum call was taken which resulted in the following delegates being present:

Tawes, James, Abramson, Adkins, Anderson, Armor, Bard, Beachley, Bennett, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Clagett, Dabrowski, Darby, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Kahl, Kirkland, Koger, Kosakowski, Koss, Leitzel, Lord, Marion, Maurer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D.S., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Ritter, Robey F.C., Rosenstock, Rybczynski, Scanlan, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Sybert, Taylor H.E., Taylor L., Vecera, Wagandt, Webb, Willoner, Winslow, Mentzer. Total--93

Mr. Byrnes, from Suffrage and Elections Committee reported Minority Report No. S&E-2(A), By Delegates Byrnes, Cardin, Hutchinson, and Pascal, of the Committee on Suffrage and Elections. This Minority Report relates to Committee Recommendation S&E-2.

A MINORITY REPORT to provide for elections at two year intervals, except for municipal elections.

Maryland follows the practice of most other states by merging its state and county elections, and leaves the municipal and national elections as separate elections. The Committee Recommendation departs from this tradition and assigns to each governmental level a separate election year.

The minority is in agreement that elections should remain at two year intervals in this state. This report is intended to place before the Convention both sides of a very critical issue. If the Convention accepts the minority position, it can maintain the present practice of staging elections every two years. The Convention may choose to provide that county elections coincide with state elections, or it may decide to merge county elections with the presidential elections and place elections for state offices in the other even-numbered years.





We suggest the following advantages to combining presidential and county elections, or state and county elections:

1. The high turnout will spill over into the lower level election, instilling the habit of voting at the local level.
2. There will be no long ballot problem in either the state primary elections, because of the decisions of this Convention, or in the federal primary, because of the present very small size of that ballot.
3. The election fervor, particularly that generated in a presidential year, will enthuse the electorate generally and produce an awareness of all election campaigns then being conducted. The more interest in elections there is in the media market, the more space and time the media will devote to them.
4. The greater concentration on issues in state and national election campaigns will stir local interest in the policies and ideas of local candidates.
5. Local candidates, knowing that there will be a high turnout, will be obliged to devote a great amount of time and effort to issue discussions and less time and money on workers, club loyalists and cliché messages.
6. The higher the turnout, the more representative, in the democratic sense, is the over-all decision.
7. There will be a greater willingness on the part of the average citizen to participate in elections both physically and financially.
8. Election costs to government, candidates and contributors will be substantially less.
9. The education of the citizen in intergovernmental problems will be enhanced.

\* \* \*

On November 9, the Maryland Association of Election Officials notified us ; adopted unanimously at the September 21 - 22 Convention:

"The Association wishes to go on record as opposed to annual elections, in view of the intolerable administrative burden which this would impose on the Boards of Supervisors of Elections throughout the State and the additional financial burden on the taxpayers of the counties involved.

Upon contacting the various Boards, I find similar opposition to elections three years out of every four, for the same reasons . . . ."



Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the committee has not yet concluded its consideration of Committee Recommendation No. S&E-2.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:10 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. S&E-2, and desires to sit again on the matter.

#### REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 15. This Report covers matters in : general order no. 14, Committee Recommendation No. SF-5, Delegate Proposal No.'s 6 (in part), 99, 102, 187, 251, 252, 266, 315, 325, 329, 351, 360, 364.

\* \* \*

The Committee of the Whole has considered Committee Recommendation No. SF-5 and has approved it with amendments as indicated in the attachment to this Report.

Committee Recommendation No. SF-5, as amended by Committee of the Whole, December 6, 1967.

\* \* \*

#### Section 6.05. Mandatory Appropriations.

The estimates of appropriations for the legislative branch, certified by the presiding officer of each house, and for the judicial branch, certified by ~~the chief judge of the Superior Court~~ (that judge who shall be designated by the chief judge of the Court of Appeals to certify the judicial branch budget) shall be transmitted to the governor, in such form and at such time as he shall direct. To the extent that appropriations for the legislative and judicial branches and for state support of public school systems are required by law, the estimates therefor shall be included in the budget without revision.

\* \* \*

THIS REPORT WAS READ AND RECEIVED BY THE CONVENTION.

At 6:13 o'clock P.M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Friday, December 8, 1967, at 10:00 A.M.





CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland  
Friday, Dec. 8, 1967

The Convention met at 10:00 A.M.

Invocation was offered by Rev. Robert T. Newbold of Baltimore, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clark, E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow

Total - 135

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Del. Powers, duly seconded, moved to amend today's calendar so that consideration of Committee Recommendation S&E-2 could resume and that the calendar and agenda as amended be adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS.

Del. Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS.



COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 10:10 A.M. Consideration of Committee Recommendation S&E-2 resumed.

At 10:45 A.M. Mr. James Clark took over as Chairman.

Amendment No. 14, to Committee Recommendation No. S&E-2, By Delegate Byrnes, from the floor. The amendment was duly seconded. A division of the question was accepted, the first part being:

In Section 7, General Elections, after the word "officials" add the words "and country officials other than Baltimore City officials".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Adkins, Barrick, Beall, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Darby, Dorsey, Finch, Fox, Gilchrist, Gleason, Grant, Hanson, Harkness, Hickman, Hostetter, Hutchinson, Koger, Koss, Leitzel, Linton, Macdonald, Maurer, Miller B., Morgan, Mosner, Mudd, Murray E.C., Neilson, Neumann, Pascal, Powers, Price, Pullen, Railey, Rollins, Rosenstock, Rush, Smith J.H., Smith M.H., Sosnowski, Sybert, Webb, Weidemeyer, Willis.

Total--57

Negative

Delegates--

Anderson, Beachley, Bennett, Boileau, Chabot, Clagett, Dukes, Dulany, Eckenrode, Fornos, Groh, Grumbacker, Gullett, Hardwicke, Henderson, Hopkins, Kahl, Kiefer, Kirkland, Marion, Mason, Mentzer, Murray D.S., Needle, Penniman, Peters, Robie K.L., Rybczynski, Schloeder, Schneider, Sickles, Siewierski, Singer, Sollins, Stern, Storm, Taylor H.E., Ulrich, Wagandt, Willoner, Winslow.

Total--41

Not Voting

Delegates--

President, Abramson, Armor, Bamberger, Bard, Baumann, Blair, Borom, Bothe, Boyce, Boyer, Boyles, Bushong, Cicone, Clarke E.J., Cleveland, Dabrowski, Della, Frederick, Freedlander, Gallagher, Gill, Hargrove, Harris, Jett, Johnson, Key, Kosakowski, Lord, Malkus, Miller E.T., Mitchell, Moser, Murphy, Robey F.C., Scanlan, Sherbow, Smith A.W., Soul, Taylor L., Vecera, Ritter, Wheatley, White

Total--44





the second part being to:

strike out the word "county" and insert in lieu thereof the words "Baltimore City".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Abramson, Anderson, Bamberger, Bard, Barrick, Beall, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Dabrowski, Darby, Dorsey, Dukes, Dulany, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Hargrove, Harkness, Harris, Hickman, Hostetter, Hutchinson, Jett, Johnson, Key, Kirkland, Koger, Kosakowski, Leitzel, Macdonald, Mason, Maurer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Neilson, Neumann, Pascal, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Weidemeyer, Wheatley, Willis. Total--83

Negative

Delegates--

Beachley, Bennett, Boileau, Chabot, Eckenrode, Fornos, Grumbacher, Hanson, Hardwicke, Henderson, Hopkins, Kahl, Kiefer, Marion, Mentzer, Murray D.S., Murray E.C., Needle, Penniman, Peters, Rybczynski, Schloeder, Schneider, Sickles, Siewierski, Sollins, Taylor H.E., Ulrich, Webb, Willoner, Winslow. Total--31

Not Voting

Delegates--

President, Adkins, Armor, Baumann, Blair, Borom, Boyer, Boyles, Bushong, Clagett, Clarke E.J., Cleveland, Della, Groh, Gullett, Koss, Linton, Lord, Malkus, Miller E.T., Mitchell, Ritter, Scanlan, Sherbow, Taylor L., Vecera, Wagandt, White. Total--28

The above amendment #14 was divided into two parts by Chairman James Clark at the request of Delegate Dukes.

At 11:55 A.M. Mr. Eney returned to the Chamber and replaced Mr. Clark as Chairman of the Committee of the Whole before the vote on either part of amendment # 14 was taken.



Amendment No. 15 to Committee Recommendation No. S&E-2: by Delegates Raley, Hanson, Scanlan and E.J. Clarke from the floor. The amendment was duly seconded.

In Section 7 General Elections, strike out all of lines 17 through 27, inclusive, and insert in lieu thereof the following:

"Monday in November for the election of members of the Congress and, when required, for the election of President and Vice President of the United States or electors for those offices. The general election of State and county officials shall be held in such years and at such times as the General Assembly may provide by law."

AMENDMENT 15 WAS DEBATED AND WITHDRAWN WITH PERMISSION OF THE COMMITTEE.

Amendment No. 16, to Committee Recommendation No. S&E-2, by Delegates Macdonald, Maurer, E.J. Clarke, Morgan and Beachley, from the floor. The amendment was duly seconded.

In Section 7, General Elections after the word "elected" insert the following:

", except that officials serving on a staggered term basis may be elected every two years".

AMENDMENT 16 WAS WITHDRAWN WITH PERMISSION OF THE COMMITTEE.

Amendment No. 17, to Committee Recommendation No. S&E-2, by Delegates Cardin and Carson, from the floor. The amendment was duly seconded.

In Section 8 Pluralities strike out the following:

", or in the case of primary elections, become the nominee for,".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark, J., James, Abramson, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Borom, Bothe, Boyce, Boyer, Bradshaw, Burdette, Burgess, Buzzell, Caldwell, Cardin, Carson, Clarke, E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Gallagher, Gilchrist, Groh, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Morgan, Needle, Penniman, Peters, Powers, Price, Pullen, Robie, K.L., Rollins, Rosenstock, Rush, Sherbow, Sickles, Smith, J.H., Smith, M.H., Sosnowski, Stern, Storm, Taylor, L., Weidemeyer. Total--67





## Negative

### Delegates--

Tawes, Adkins, Anderson, Bennett, Boileau, Bryson, Byrnes, Case, Chabot, Cicone, Clagett, Fox, Frederick, Gill, Gleason, Grant, Grumbacher, Hardwicke, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Mentzer, Moser, Mosner, Mudd, Murphy, Murray, D. S., Murray, E. C., Neilson, Pascal, Raley, Rybczynski, Schloeder, Schneider, Siewierski, Singer, Smith, A. W., Sollins, Soul, Sybert, Taylor, H. E., Ulrich, Wagandt, Webb, Wheatley, White, Willis, Winslow. Total--56

### Not Voting

### Delegates--

President, Armor, Blair, Boyles, Bushong, Child, Cleveland, Fornos, Freedlander, Malkus, Miller, B., Miller, E. T., Mitchell, Neumann, Ritter, Robey, F. C., Scanlan, Vecera, Willoner. Total--19

Amendment No. 18, to Committee Recommendation No. S&E-2, By Delegates Carson and Grant, from the floor. The amendment was duly seconded.

In Section 1 Eligible Voters in Federal, State and County Elections, in line 11 after the word "District" add the words: "and county";

"And in line 17 after the letters "trict" add the words "or county"; and in the same line after the word "another" add the words "district or county";

"And in line 19 after the word "district" add the words "or county"."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates--

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Barrick, Baumann, Beall, Boileau, Boyer, Bradshaw, Burdette, Buzzell, Caldwell, Cardin, Carson, Case, Child, Clagett, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Gilchrist, Gleason, Grant, Groh, Gullett, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hostetter, Jett, Johnson, Kiefer, Kirkland, Koger, Leitzel, Linton, Mason, Morgan, Mosner, Mudd, Needle, Neilson, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Rollins, Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A. W., Smith, J. H., Smith, M. H., Sosnowski, Soul, Stern, Storm, Sybert, Weidemeyer, Wheatley, Willis, Willoner, Winslow. Total--78





## Negative

### Delegates--

Bamberger, Bard, Beachley, Bennett, Borom, Bothe, Boyce, Bryson, Burgess, Byrnes, Cicone, Clarke, E.J., Dabrowski, Dukes, Fox, Frederick, Gallagher, Gill, Grumbacher, Hanson, Harris, Key, Kosakowski, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller, B., Moser, Murphy, Murray, D.S., Murray, E.C., Rybczynski, Scanlan, Schloeder, Sollins, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, White. Total--44

## Not Voting

### Delegates--

Armor, Blair, Boyles, Bushong, Chabot, Cleveland, Fornos, Freedlander, Hopkins, Hutchinson, Kahl, Malkus, Miller, E.T., Mitchell, Neumann, Ritter, Robey, F.C., Robie, K.L., Rush, Vecera. Total--20

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that the Committee has under consideration Committee Recommendation No. S&E-2 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 1:08 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation S&E-2 and desires to sit again on the matter.

At 1:10 o'clock P.M., on motion of Mr. Powers, the Convention took a recess until 2:30 o'clock P.M.

At 2:30 P.M. the Convention resumed its session. Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total-- 139





Supplementary Minority Report No. GP-6(A), by Delegates Boyer, Lord, Jett, Key, Singer, Clarke, and Caldwell, of the Committee on General Provisions. This Minority Report relates to Committee Recommendation No. GP-6.

A SUPPLEMENTARY MINORITY REPORT which details the objections of the minority to Committee Recommendation GP-6 and explains Sections 8.03 and 8.04 as already submitted by the minority.

SUPPLEMENTARY MINORITY REPORT NO. GP-6(A) WAS READ AND RECEIVED BY THE CONVENTION.

Mr. Morgan, Chairman of the Committee on the Executive Branch, offered Committee Recommendation No. EB-2.

A RECOMMENDATION that the Constitution include sections providing for an elected Attorney General.

Delegate Adkins, duly seconded, moved that the rules be suspended so that Committee Recommendation No. EB-2 could be received by the Convention after the date provided for in the Rules.

SAID MOTION PREVAILED BY YEAS AND NAYS      VOICE VOTE.

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. EB-2 was offered in support of Committee Recommendation No. EB-2.

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Memorandum in support of the deletion of Section 10, Criminal Jury, Judge of Law and Fact, of the majority recommendation as set forth in Committee Recommendation R&P-2 was offered by Delegates Bothe, Macdonald and Moser.

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS      VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 2:45 P.M. Consideration of Committee Recommendation S&E-2 resumed.



Amendment No. 19, to Committee Recommendation No. S&E-2, by Delegate Bothe from the floor. The amendment was duly seconded.

Strike out all of Section 5 Disqualification,

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Clark, J., James, Adkins, Bamberger, Bard, Beall, Bennett,  
Boileau, Borom, Bothe, Boyce, Caldwell, Chabot, Dukes, Finch,  
Gill, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Jett,  
Key, Koger, Kosakowski, Lord, Macdonald, Marion, Mason, Maurer,  
Miller, Morgan, Mosner, Mudd, Powers, Pullen, Raley, Ritter,  
Robey, F. C., Singer, Sollins, Stern, Taylor, L., Webb, White,  
Willis. Total--46

Negative

Delegates--

President, Tawes, Abramson, Anderson, Barrick, Baumann, Beachley,  
Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes,  
Cardin, Carson, Case, Child, Cicone, Clagett, Clarke, E. J.,  
Dabrowski, Darby, Della, Dorsey, Eckenrode, Fox, Frederick,  
Freedlander, Gallagher, Gilchrist, Gleason, Grant, Gullett,  
Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter,  
Hutchinson, Johnson, Kiefer, Kirkland, Koss, Leitzel, Mentzer,  
Moser, Murray, D. S., Murray, E. C., Needle, Neilson, Pascal,  
Penniman, Peters, Robie, K. L., Rollins, Rosenstock, Rush,  
Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles,  
Siewierski, Smith, A. W., Smith, J. H., Smith, M. H., Sosnowski,  
Soul, Storm, Sybert, Taylor, H. E., Ulrich, Vecera, Wagandt,  
Weidemeyer, Wheatley, Willoner, Winslow. Total--81

Not Voting

Armor, Blair, Boyles, Bushong, Cleveland, Dulany, Fornos, Kahl,  
Linton, Malkus, Miller, E. T., Mitchell, Murphy, Neumann, Price.  
Total--15

Amendment No. 20, to Committee Recommendation No. S&E-2, by  
Delegate Bamberger from the floor. The amendment was duly  
seconded.

In Section 5 Disqualification strike out all of lines 34  
through 40, inclusive, and insert in lieu thereof the following:

"The General Assembly may by law establish disqualifications  
for voting by reason of mental incompetence or conviction of serious  
crime, and shall provide for the removal of such disqualifications."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:





### Affirmative

President, Clark, J., James, Adkins, Anderson, Bamberger, Bard, Barrick, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Carson, Child, Cicone, Darby, Dukes, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Key, Kiefer, Kirkland, Koger, Lord, Macdonald, Mason, Maurer, Mentzer, Mosner, Mudd, Neilson, Penniman, Peters, Powers, Pullen, Raley, Robey, F. C., Rosenstock, Scanlan, Sickles, Smith, A. W., Singer, Smith, J. H., Smith, M. H., Sollins, Storm, Taylor, L., Wagandt, Webb, Willoner, Winslow.

Total--76

### Negative

Tawes, Baumann, Beachley, Beall, Bennett, Boileau, Borom, Caldwell, Cardin, Chabot, Clagett, Clarke, E. J., Frederick, Hutchinson, Johnson, Koss, Leitzel, Linton, Marion, Miller, B., Mitchell, Morgan, Moser, Murray, D. S., Pascal, Ritter, Robie, K. L., Rush, Rybczynski, Schloeder, Schneider, Sherbow, Siewierski, Sosnowski, Soul, Stern, Sybert, Taylor, H. E., Ulrich, Vecera, Weidemeyer, White.

Total--42

### Not Voting

Abramson, Armor, Blair, Boyles, Bushong, Case, Cleveland, Dabrowski, Della, Dorsey, Dulany, Hostetter, Kahl, Kosakowski, Malkus, Miller, E. T., Murphy, Murray, E. C., Needle, Neumann, Price, Rollins, Wheatley, Willis.

Total--24

Amendment No. 21, to Committee Recommendation No. S&E-2, by Delegates Hanson, Raley, E. J. Clarke, Macdonald, Scanlan, Gallagher and Moser from the floor. The amendment was duly seconded.

In Section 7 General Elections strike out all of lines 19 through 27, inclusive, and insert in lieu thereof the following words:

"A general election shall be held on the Tuesday next after the first Monday in November in 1970 and every fourth year thereafter at which time State officials shall be elected, except that judges may be elected in any even-numbered year. Unless otherwise provided by public general law or by instrument of government, elections of county officials shall be held at the same time as the election for State officials. Elections for officials serving on a staggered term basis may be held every two years."

Amendment No. 21-A, to Amendment No. 21 to Committee Recommendation No. S&E-2, by Delegate Barrick from the floor. The amendment was duly seconded.



On page one of the amendment in line 11 strike out the word "general".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Barrick, Boyer, Buzzell, Storm, Sybert, Weidemeyer. Total--6

Negative

President, Clark, J., James, Adkins, Armor, Bamberger, Bard, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyles, Bradshaw, Bryson, Burdette, Burgess, Byrnes, Caldwell, Cardin, Carson, Cicone, Clagett, Clarke, E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Morgan, Moser, Mudd, Murray, D. S., Murray, E. C., Needle, Neilson, Penniman, Powers, Pullen, Raley, Ritter, Robey, F. C., Robie, K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith, A. W., Smith, J. H., Smith, M. H., Sollins, Sosnowski, Soul, Stern, Taylor, H. E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Wheatley, White, Willis, Winslow. Total--109

Not Voting

Tawes, Abramson, Anderson, Baumann, Boyce, Bushong, Case, Chabot, Child, Cleveland, Dulany, Groh, Gullett, Kahl, Koger, Malkus, Miller, E. T., Mitchell, Mosner, Murphy, Neumann, Pascal, Peters, Price, Rollins, Siewierski, Willoner. Total--27

Amendment No. 21-B, to Amendment No. 21 to Committee Recommendation No. S&E-2, by Delegate Needle from the floor. The amendment was duly seconded.

On page 1 of the amendment strike out the sentence beginning with "Unless otherwise", and insert in lieu thereof the following sentence:

"Elections of all county officials shall be held on the same day in the same year as provided by public general law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates--

Clark, J., Cardin, Chabot, Clagett, Dorsey, Gleason, Marion, Mudd, Needle, Neilson, Schloeder, Sollins, Willoner. Total--13

## Negative

### Delegates--

President, Tawes, James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Carson, Child, Cicone, Clarke, E.J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kirkland, Kosakowski, Leitzel, Linton, Lord, Macdonald, Mason, Maurer, Mentzer, Miller, B., Morgan, Moser, Murray, D.S., Murray, E.C., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey, F.C., Robie, K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sickles, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis. Total--106

## Not Voting

### Delegates--

Abramson, Baumann, Bushong, Case, Cleveland, Fornos, Groh, Kahl, Kiefer, Koger, Koss, Malkus, Miller, E.T., Mitchell, Mosner, Murphy, Neumann, Price, Ritter, Rollins, Sherbow, Siewierski, Winslow. Total--23

Amendment No. 21, to Committee Recommendation No. S&E 2, by Delegates Hanson, Raley, E.J. Clarke, Macdonald, Scanlan, Gallagher and Moser.

\* \* \*

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

Tawes, Clark, J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Carson, Cicone, Clarke, E.M., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Key, Kiefer, Kirkland, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Morgan, Moser, Mudd, Murray, E.C., Needle, Neilson, Penniman, Peters, Pullen, Raley, Ritter, Robey, F.C., Robie, K.L., Rosenstock, Scanlan, Schneider, Sickles, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Wagandt, Webb, Weidemeyer, Willis, Willoner, Winslow. Total--97



Negative

Delegates--

Byrnes, Chabot, Clagett, Frederick, Gleason, Groh, Jett, Johnson, Kosakowski, Murray D.S., Powers, Rush, Rybczynski, Schloeder, Sosnowski, Soul, Ulrich, Vecera, White. Total--19

Not Voting

Delegates--

President, Abramson, Baumann, Bushong, Cardin, Case, Child, Cleveland, Dorsey, Fornos, Kahl, Koger, Koss, Malkus, Miller B., Miller E.T., Mitchell, Mosner, Murphy, Neumann, Pascal, Price, Rollins, Sherbow, Siewierski, Wheatley. Total--26

Amendment No. 22, to Committee Recommendation No. S&E-2, By Delegate Weidemeyer, from the floor. The amendment was duly seconded.

In Section 6 Uniform Conduct of Elections add this new sentence:

"Such laws shall provide for the holding of primary elections in years in which the President and Vice President of the United States or electors for those offices are elected at a date prior to the holding of national party conventions providing sufficient time for the holding of State party conventions."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Armor, Bard, Beachley, Blair, Boileau, Boyles, Burgess, Caldwell, Child, Cicone, Dorsey, Dukes, Finch, Gleason, Groh, Harkness, Hickman, Hostetter, Hutchinson, Kiefer, Kirkland, Kosakowski, Murray D.S., Murray E.C., Pullen, Ritter, Rush, Rybczynski, Smith M.H., Sosnowski, Soul, Stern, Taylor H.E., Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Winslow. Total--40

Negative

Delegates--

President, Tawes, Clark J., James, Bamberger, Barrick, Bennett, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett, Key, Koger, Koss, Leitzel, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Needle, Neilson, Penniman, Peters, Powers, Raley,





Robey F.C., Robie K.L., Rosenstock, Scanlan, Schneider,  
Sickles, Singer, Smith A.W., Smith J.H., Sollins, Storm,  
White, Willis, Willoner. Total--72

Not Voting

Delegates--

Abramson, Adkins, Baumann, Beall, Boyce, Bushong, Case,  
Chabot, Cleveland, Fornos, Johnson, Kahl, Linton, Lord,  
Malkus, Mentzer, Miller E.T., Mosner, Mudd, Murphy, Neumann,  
Pascal, Price, Rollins, Schloeder, Sherbow, Siewierski,  
Sybert, Ulrich, Wagandt. Total--30

There being no further amendments to Committee Recommendation No. S&E-2 the Chairman put the question on the adoption of Committee Recommendation No. S&E-2 as amended.

COMMITTEE RECOMMENDATION NO. S&E-2 AS AMENDED WAS  
ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Anderson, Armor,  
Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boileau,  
Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burgess,  
Buzzell, Byrnes, Caldwell, Cardin, Carson, Child, Cicone,  
Clagett, Clarke E.J., Dabrowski, Darby, Della, Dukes, Dulany,  
Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher,  
Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett,  
Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman,  
Hostetter, Hutchinson, Jett, Key, Kiefer, Kirkland, Koger,  
Kosakowski, Leitzel, Lord, Macdonald, Marion, Mason, Maurer,  
Mentzer, Miller B., Mitchell, Morgan, Moser, Murray D.S.,  
Murray E.C., Needle, Neilson, Pascal, Penniman, Peters,  
Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L.,  
Rosenstock, Scanlan, Schloeder, Schneider, Sickles, Singer,  
Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski,  
Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Wagandt,  
Wheatley, White, Willis, Willoner, Winslow. Total--110

Negative

Delegates--

Burdette, Chabot, Johnson, Rush, Rybczynski, Ulrich, Vecera,  
Webb, Weidemeyer. Total--9

Not Voting

Delegates--

Adkins, Baumann, Beall, Boyce, Bushong, Case, Cleveland, Dorsey,  
Fornos, Hopkins, Kahl, Koss, Linton, Malkus, Miller E.T.,  
Mosner, Mudd, Murphy, Neumann, Price, Rollins, Sherbow,



Mr. Kiefer, Chairman of the Committee on Personal Rights and the Preamble reported Committee Recommendation No. R&P-1.

A RECOMMENDATION that the Constitution contain a Preamble followed by Article I, a Declaration of Rights, that shall read as follows;

#### PREAMBLE

We, the people of the state of Maryland, grateful to Almighty God for our civil and religious freedom; recognizing that all political power originates in the people and that all government is instituted to secure their right to life, liberty, and the pursuit of happiness; and acknowledging our duty and responsibility to posterity, do establish and ordain this constitution.

#### ARTICLE I

##### DECLARATION OF RIGHTS

##### Section 1. Freedom of Expression.

(A) The people shall have the right peaceably to assemble and to petition the government for a redress of grievances.

(B) Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

##### Section 2. Freedom of Religion.

No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

##### Section 3. Right to Due Process and Equal Protection.

No person shall be deprived of life, liberty, or property, without due process of law; nor be denied the equal protection of the laws.

##### Section 4. Search and Seizure; Right to Privacy.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, interceptions of their communications, or other invasions of their privacy, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized, or





the communications sought to be intercepted.

Section 5. Rights of Accused.

(A) A person accused of crime shall have the right to be informed of the nature and cause of the accusation in time to prepare his defense; to have the assistance of counsel for his defense; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses; and to have a speedy and public trial by an impartial jury of twelve without whose unanimous consent he shall not be adjudged guilty.

(B) An accused, except in cases punishable by death or life imprisonment, shall be entitled to release pending trial conditioned only upon such bail or other terms as are reasonably necessary to secure his appearance before the court.

Section 6. Right Against Self-Incrimination and Double Jeopardy.

(A) No person shall be compelled in any criminal case to be a witness against himself.

(B) No person shall be twice put in jeopardy of criminal punishment for the same offense.

Section 7. Right to Jury Trial in Civil Cases.

Every person shall have the right of trial by jury of all issues of fact in civil proceedings in the several courts of law in this State where the amount or value in controversy exceeds such minimum as may be fixed by law. The jury shall consist of not less than six as may be fixed by law, and a unanimous decision of the jury shall be required to constitute its verdict.

Section 8. Unusual Punishments.

(A) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

(B) No conviction of crime shall work corruption of blood or forfeiture of estate.

Section 9. Limitations on State Action.

(A) The right to the writ of habeas corpus, and the provisions of this constitution, shall not be suspended.

(B) Private property shall not be taken or damaged for public use or purposes without just compensation.

(C) No bill of attainder, or ex post facto law, or law impairing the obligation of contracts shall be enacted.



## Section 10. Reserved Rights.

The enumeration of rights in this Constitution shall not be construed to impair, disparage or deny others retained by the people.

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has concluded its consideration of Committee Recommendation No. S&E-2 and approved the Committee Recommendation as amended and is considering Committee Recommendation No. R&P-1 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 6:23 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. S&E-2 and approved the Recommendation as amended. The President also reported that the Committee of the Whole has under consideration Committee Recommendation No. R&P-1 and desires to sit again on that Recommendation.

The President referred Committee Recommendation No. S&E-2 together with its amendments to the COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

At 6:25 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Saturday, December 9, 1967, at 10:00 A.M.





CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Md.

Saturday, Dec. 9, 1967

The Convention met at 10:00 a.m.

Invocation by Rev. Edward Sims - St. Francis Episcopal Church,  
Potomac, Maryland.

Present at the Roll Call were the following Delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Smith, A.W., Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 137

Report of the Committee on Calendar and Agenda

Mr. Powers, Chairman, Committee on Calendar and Agenda, reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved that the rules be suspended so that Committee Recommendation EB-2 could be considered at today's session.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark, J., James, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Bennett, Borom, Boyer, Boyles, Bradshaw, Bryson, Burgess, Byrnes, Case, Chabot, Child, Cicone, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Macdonald, Marion, Maurer, Mentzer, Mitchell, Morgan, Moser, Murphy, Murray, E.C., Needle, Neilson, Neumann, Smith, A.W., Pascal, Penniman, Powers, Pullen, Raley, Robie, K.L., Rollins, Rosenstock, Rush, Scanlan, Sherbow, Sickles, Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Storm, Taylor, H.E., Taylor, L.



Ulrich, Vecera, Wagandt, Ritter, Weidemeyer, Willis, Winslow.

Total - 93

Negative

Delegates -

Burdette, Gullett

Total - 2

Not Voting

Delegates -

Abramson, Adkins, Barrick, Beall, Blair, Boileau, Bothe, Boyce, Bushong, Buzzell, Caldwell, Cardin, Carson, Clagett, Clarke E.J., Cleveland, Dukes, Fornos, Grumbacher, Hanson, Hardwicke, Hargrove, Henderson, Key, Leitzel, Lord, Malkus, Mason, Miller B., Miller E.T., Mosner, Mudd, Murray D.S., Peters, Price, Robey F.C., Rybczynski, Schloeder, Schneider, Siewierski, Singer, Stern, Sybert, Webb, Wheatley, White, Willoner

Total - 47

THE CALENDAR AND AGENDA WAS READ AND ADOPTED BY VOICE VOTE

Reports of Other Standing Committees.

Mr. Moser, Chairman, Committee on Local Government reported Resolution No. 24.

A Resolution urging that the Governor promptly establish a Commission on Local Affairs.

WHEREAS, one of the principal goals of the Constitutional Convention is to make more viable and responsive the various units of local government throughout the State. In order properly to achieve that goal, this Constitutional Convention believes it is desirable to establish a Commission on Local Affairs; now therefore, be it

RESOLVED that the Constitutional Convention urges the Governor promptly to establish a Commission on Local Affairs composed of members from the Legislative and Executive Branches of the Government, units of local government and from the public at large, to (1) analyze existing Public General and Public Local Law and to advise the General Assembly what statutes affecting local governments should be retained, repealed or amended upon the adoption of the new Constitution; (2) assist counties in the preparation and adoption of their instruments of government; (3) to advise the Governor, the Governor's Task Force on Modern Management and the General Assembly on the desirability of establishing a permanent Department on Local Affairs; and (4) to perform such further duties and functions as may be assigned to it by the Governor or General Assembly.

WHICH WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates -

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Baumann, Beachley, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burgess, Byrnes, Case, Chabot, Child, Cicone, Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Linton, Macdonald, Marion, Maurer, Mentzer, Mitchell, Morgan, Moser, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Powers, Pullen, Raley, Robie K.L., Rollins, Rosenstock, Scanlan, Sherbow, Sickles, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Storm, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Willis, Willoner, Winslow.

Total - 98

### Negative

### Delegates -

Total - 0

### Not Voting

### Delegates -

Anderson, Barrick, Beall, Boileau, Burdette, Bushong, Buzzell, Caldwell, Cardin, Carson, Clagett, Clarke E.J., Cleveland, Della, Grumbacher, Hanson, Hardwicke, Hargrove, Henderson, Jett, Kiefer, Koger, Leitzel, Lord, Malkus, Mason, Miller B., Miller E.T., Mosner, Mudd, Penniman, Peters, Price, Robey F.C., Rush, Rybczynski, Schloeder, Schneider, Siewierski, Stern, Sybert, Weidemeyer, Wheatley, White.

Total - 44

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE

### COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney Presided. 10:25 a.m.

Consideration of Committee Recommendation EB-2 under suspension of Rules.

Mr. Morgan, Chairman, Committee on the Executive Branch, reported Committee Recommendation No. EB-2.

A recommendation that the Constitution include sections providing for an elected Attorney General as follows:

Section \_\_\_\_\_. Attorney General.



There shall be an Attorney General, elected in the same manner for the same term of office, and at the same times as the Governor. To be eligible for election as Attorney General, a person must be a citizen of the State and a member of the Bar of the State for at least five years immediately prior to his election. In the event that the office of Attorney General shall be vacant, the Governor shall, with the advice and consent of the Senate, appoint a person to fill the unexpired term.

Section \_\_\_\_\_. Powers and Duties of the Attorney General.

The Attorney General shall be the chief legal officer of the State. He shall represent the State in all civil cases or proceedings in which the State is a party or may be interested and in all criminal cases in the Court of Appeals, the Intermediate Appellate Court and the Courts of the United States and shall have such other powers and duties with respect to civil and criminal cases or proceedings, and with respect to other matters, as may be prescribed by law. The Attorney General shall, upon request, give his opinion on any legal matter to either house of the General Assembly or the presiding officer thereof, to the Governor, and to any other officer, agency or department of the State.

Amendment No. 1, Committee Recommendation No. EB-2 by Delegates Gallagher, Sollins, Bamberger, Freedlander, Gill, Gleason, Fox, Grant, Groh, Burdette, Frederick, Macdonald, Grumbacher, Marion, Winslow, Singer from the floor. The Amendment was duly seconded.

In Section \_\_\_\_\_ Powers and Duties of the Attorney General in line 23 strike out everything after the period and insert in lieu thereof the following: "The Attorney General shall exercise such legal powers and legal duties as the General Assembly shall prescribe by public general law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Adkins, Bamberger, Boileau, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Clagett, Fox, Frederick, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Harris, Koger, Koss, Macdonald, Marion, Miller B., Moser, Needle, Neilson, Robey F.C., Schneider, Siewierski, Singer, Sollins, Wagandt, Willoner, Winslow.

Total - 39

Negative

Delegates -

President, Tawes, Clark J., James, Abramson, Anderson, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Borom, Boyer, Boyles, Buzzell, Cardin, Carson, Case, Chabot, Child, Cicone, Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Gilchrist, Hargrove, Harkness,





Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Lord, Mason, Mentzer, Mitchell, Morgan, Mudd, Murray D.S., Murray E.C., Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Webb, Ritter, Weidemeyer, Wheatley, White, Willis.

Total - 86

#### Not Voting

#### Delegates -

Armor, Beall, Burgess, Bushong, Caldwell, Clarke E.J., Cleveland, Della, Fornos, Leitzel, Linton, Malkus, Maurer, Miller E.T., Mosner, Murphy, Ulrich.

Total - 17

Amendment No. 2, Committee Recommendation No. EB-2, by Delegate Gallagher from the floor. The amendment was duly seconded.

In Section \_\_\_\_\_ Powers and Duties of the Attorney General add this new section:

"Section \_\_\_\_\_. Counsel to the Governor.

The governor may appoint counsel who shall have the same qualifications as required for the Attorney General."

WHICH **AMENDMENT** WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates -

Adkins, Bamberger, Bard, Boileau, Bradshaw, Bryson, Burdette, Byrnes, Chabor, Clagett, Fox, Freedlander, Gallagher, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Harris, Hopkins, Lord, Macdonald, Marion, Maurer, Miller, B., Mitchell, Mudd, Robey, F.C., Smith, M.H., Sollins, Winslow.

Total - 33

#### Negative

#### Delegates -

President, Tawes, Clark J., James, Abramson, Anderson, Barrick, Baumann, Beachley, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Boyles, Burgess, Buzzell, Cardin, Carson, Case, Child, Cicone, Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Frederick, Gilchrist, Hargrove, Harkness, Henderson, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Malkus, Mason, Mentzer, Morgan, Moser, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Price, Pullen, Raley,



Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner.

Total - 95

#### Not Voting

#### Delegates -

Armor, Beall, Bushong, Caldwell, Clarke E.J., Della, Fornos, Gill, Koss, Leitzel, Linton, Miller E.T., Mosner, Cleveland.

Total - 14

Amendment No. 3, Committee Recommendation No. EB-2 by Delegate Johnson from the floor. The Amendment was duly seconded.

In Section Attorney General strike out the words "must be a citizen of" and insert in lieu thereof the following:  
"shall have been a qualified voter in".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates -

President, Tawes, Clark J., Abramson, Adkins, Anderson, Bamberger, Bard, Barrick, Baumann, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fox, Frederick, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Linton, Macdonald, Malkus, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Willis, Willoner, Winslow.

Total - 118

#### Negative

#### Delegates -

Dukes, Marion

Total - 2

#### Not Voting

#### Delegates -

658





James, Armor, Beachley, Beall, Bennett, Burgess, Bushong, Caldwell,  
Case, Clarke E.J., Cleveland, Della, Fornos, Freedlander, Koss, Leitzel,  
Lord, Miller E.T., Mosner, Price, Wheatley, White.

Total - 22

Amendment No. 4, Committee Recommendation No. EB-2 by Delegate Jett  
from the Floor, The Amendment was duly seconded.

In Section \_\_\_\_\_ Attorney General strike out lines 7 through 17  
and insert in lieu thereof the following: "There shall be an  
Attorney General, who shall be appointed by the Governor for an  
indefinite term to serve at the pleasure of the Governor.  
To be eligible for appointment as Attorney General, a person  
shall have been a qualified voter in the State and a member of  
the Bar of the State for at least five years immediately  
prior to his appointment. "

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Adkins, Bamberger, Bennett, Boileau, Borom, Bothe, Boyce, Boyles,  
Bradshaw, Bryson, Burdette, Clagett, Freedlander, Gill, Groh, Grumbacher  
Hanson, Hardwicke, Jett, Macdonald, Maurer, Mentzer, Miller, B., Mudd,  
Sickles, Singer, Smith, M.H., Sollins, Wagandt, White, Winslow.

Total - 31

Negative

Delegates -

President, Tawes, Clark J., Abramson, Anderson, Bard, Barrick,  
Baumann, Beachley, Blair, Boyer, Burgess, Buzzell, Byrnes, Cardin,  
Carson, Case, Chabot, Child, Cicone, Dabrowski, Darby, Dorsey, Dukes,  
Dulany, Eckenrode, Finch, Fox, Frederick, Gallagher, Gilchrist, Gleason,  
Grant, Gullett, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins,  
Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger,  
Kosakowski, Linton, Lord, Malkus, Marion, Mason, Mitchell, Morgan, Moser  
Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W.,  
Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L.,  
Rollins, Rosenstock, Rbyczynski, Scanlan, Schloeder, Schneider, Sherbow,  
Siewierski, Smith J.H., Sosnowski, Soul, Stern, Storm, Sybert,  
Taylor H.E., Taylor L., Vecera, Webb, Ritter, Weidemeyer, Willis,  
Willoner.

Total - 94

Not Voting

Delegates -

James, Armor, Beall, Bushong, Caldwell, Clarke E.J., Della, Fornos,  
Koss, Leitzel, Miller E.T., Mosner, Price, Rush, Ulrich, Wheatley.  
Cleveland.

Total - 17



Amendment No. 5, Committee Recommendation No. EB-2 by Delegate Gill from the Floor. The Amendment was duly seconded.

In Section \_\_\_\_ Attorney General after the period add this new sentence: "No person elected Attorney General for two full consecutive terms shall be eligible to hold that office again until one full term has intervened."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Clark J., Bamberger, Bard, Gilchrist, Gill, Gleason, Grant, Groh, Hanson, Kahl, Key, Koger, Marion, Mentzer, Mudd, Schloeder, Siewierski, Taylor L., Weidemeyer, White, Burdette.

Total - 21

Negative

Delegates -

President, Tawes, Abramson, Adkins, Anderson, Barrick, Baumann, Beachley, Bennett, Blair, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Ciccne, Clagett, Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gullett, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kiefer, Kosakowski, Linton, Lord, Macdonald, Mason, Mitchell, Morgan, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Vecera, Wagandt, Webb, Ritter, Willis, Willoner, Winslow.

Total - 91

Not Voting

Delegates -

James, Armor, Beall, Boileau, Borom, Bushong, Caldwell, Clarke E.J., Cleveland, Della, Fornos, Gallagher, Grumbacher, Harris, Hostetter, Kirkland, Koss, Leitzel, Malkus, Maurer, Miller B., Miller E.T., Moser, Mosner, Murphy, Pascal, Price, Rush, Ulrich, Wheatley.

Total - 30

Amendment No. 6, Committee Recommendation No. EB-2 by Delegates Marion, Carson, Case, Gleason, Grant, Johnson from the floor. The Amendment was duly seconded.

In Section \_\_\_\_ Attorney General strike out the words "election as" and insert in lieu thereof the words: "the office of"; and after the word "election" insert the words "or appointment".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates -

President, Tawes, Clark J., Abramson, Anderson, Bamberger, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kiefer, Koger, Kosakowski, Linton, Macdonald, Marion, Mason, Mentzer, Miller B., Morgan, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Schloeder, Sherbow, Sickles, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Wagandt, Webb, Ritter, White, Willis, Willoner, Winslow.

Total - 103

## Negative

### Delegates -

Mitchell, Siewierski, Weidemeyer

Total - 3

## Not Voting

### Delegates -

James, Adkins, Armor, Beall, Boileau, Bushong, Caldwell, Clarke E.J., Cleveland, Della, Dorsey, Fornos, Gallagher, Grumbacher, Hardwicke, Harris, Hostetter, Kahl, Key, Kirkland, Koss, Leitzel, Lord, Malkus, Maurer, Miller E.T., Moser, Mosner, Murphy, Pascal, Price, Rush, Scanlan, Schneider, Ulrich, Wheatley.

Total - 36

Amendment No. 7, Committee Recommendation No. EB-2 by Delegate Hardwicke from the floor. The Amendment was duly seconded.

In Section \_\_\_\_ . Powers and Duties of the Attorney General in line 7 after the word "other" insert the word "legal".

WITHDRAWN WITH PERMISSION OF THE COMMITTEE.

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that it has under consideration Committee Recommendation EB-2 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE

At 1:25 p.m. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation EB-2 and desires to sit again to consider the matter.



At 1:27 p.m. on motion of Mr. Powers the Convention took a recess until 3:00 p.m.

At 3:00 p.m. the Convention resumed its session. Present at Roll Call were the following Delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rbyczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 137

Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided. 3:10 p.m.

Consideration of Committee Recommendation EB-2 resumed.

Amendment No. 8, Committee Recommendation No. EB-2, by Delegates Bamberger, Gallagher and Hardwicke from the floor. The Amendment was duly seconded.

In Section Powers and Duties of the Attorney General strike out the words "other matters" and insert in lieu thereof the following words: "his responsibilities as chief legal officer of the State".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

662

Adkins, Bamberger, Bard, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson,





Burdette, Byrnes, Cardin, Carson, Case, Chabot, Clagett, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hopkins, Jett, Key, Koger, Koss, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Needle, Robey F.C., Siewierski, Singer, Smith M.H., Sollins, Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total - 60

### Negative

#### Delegates -

Tawes, Clark J., Anderson, Barrick, Beachley, Bennett, Blair, Boyer, Boyles, Buzzell, Child, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Finch, Frederick, Hostetter, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Mason, Morgan, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Smith A.W., Penniman, Peters, Powers, Robie K.L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Smith J.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Vecera, Webb, Ritter, Weidemeyer, Wheatley, Sickles.

Total - 58

### Not Voting

#### Delegates -

President, James, Abramson, Armor, Baumann, Beall, Burgess, Bushong, Caldwell, Cicone, Cleveland, Della, Eckenrode, Hickman, Hutchinson, Malkus, Miller E.T., Mosner, Pascal, Price, Pullen, Raley, Rollins, Rush.

Total - 24

Amendment No. 9, Committee Recommendation No. EB-2 by Delegate Gilchrist from the Floor. The Amendment was duly seconded.

In Section \_\_\_\_\_ Attorney General strike out the words "a member of the Bar of " and insert in lieu thereof the following words: "have been authorized to practice law in".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

#### Delegates -

Anderson,  
President, Tawes, Clark J., Adkins, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hopkins, Hostetter, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Penniman, Peters, Powers, Raley, Robey F.C., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider



Sherbow, Sickles, Siewierski, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 113

Negative

Delegates -

Total - 0

Not Voting

Delegates -

James, Abramson, Armor, Baumann, Beall, Bushong, Caldwell, Carson, Clarke E.J., Cleveland, Della, Dukes, Eckenrode, Frederick, Grant, Hickman, Hutchinson, Jett, Malkus, Miller E.T., Mosner, Murphy, Pascal, Price, Pullen, Robie K.L., \*Rush, Singer.

Total - 29

\* Rollins,

Amendment No. 10, Committee Recommendation No. EB-2, by Delegate Chabot from the Floor. The Amendment was duly seconded.

In Section Powers and Duties of the Attorney General after the period add the following new sentence: "The Attorney General may appoint such number of deputies or assistants as the General Assembly may prescribe by law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Clark J., Anderson, Barrick, Beachley, Blair, Borom, Boyer, Burgess, Byrnes, Cardin, Chabot, Child, Cicone, Clagett, Dorsey, Dukes, Finch, Gilchrist, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kirkland, Kosakowski, Koss, Leitzel, Mason, Mitchell, Murray E.C., Needle, Neumann, Smith A.W., Peters, Pullen, Robie K.L., Rosenstock, Rybczynski, Schloeder, Sherbow, Siewierski, Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Vecera, Webb, Wheatley, White, Winslow.

Total -58

Negative

Delegates -

President, Tawes, Adkins, Bamberger, Bard, Boileau, Bothe, Boyce, Boyles Bradshaw, Bryson, Burdette, Buzzell, Carson, Case, Clarke E.J., Dabrowski, Darby, Dulany, Fornos, Fox, Freedlander, Gallagher, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Kiefer, Koger, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mudd, Murray D.S., Neilson, Penniman, Powers, Raley, Robey F.C., Scanlan, Schneider, Sickles, Singer, Sollins, Taylor H.E., Ulrich, Wagandt, Ritter, Weidemeyer, Willis, Willoner.

Total - 60





Not Voting

Delegates -

James, Abramson, Armor, Baumann, Beall, Bennett, Bushong, Caldwell, Cleveland, Della, Eckenrode, Frederick, Grant, Harris, Hickman, Key, Malkus, Miller E.T., Mosner, Murphy, Pascal, Price, Rollins, Rush,

Total - 24

Delegate Dorsey, duly seconded, moved to reconsider the vote by which Amendment 10 was not adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Tawes, Anderson, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boyer, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Finch, Fornos, Gallagher, Gilchrist, Grumbacher, Gullett, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Mason, Miller B., Mitchell, Mudd, Murray E.C., Needle, Neilson, Neumann, Smith A.W., Peters, Pullen, Raley, Robie K.L., Rosenstock, Rybczynski, Schloeder, Sherbow, Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Webb, Ritter, Weidemeyer, Wheatley, White.

Total - 75

Negative

Delegates -

Adkins, Boileau, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Clarke E.J., Dulany, Fox, Freedlander, Gill, Gleason, Groh, Hanson, Hardwicke, Koger, Macdonald, Marion, Maurer, Mentzer, Morgan, Moser, Murray D.S., Penniman, Powers, Robey F.C., Scanlan, Schneider, Sickles, Siewierski, Singer, Sollins, Ulrich, Wagandt, Willis, Willoner, Winslow.

Total - 40

Not Voting

Delegates -

President, Clark J., James, Abramson, Armor, Baumann, Beall, Borom, Burgess, Bushong, Caldwell, Cleveland, Della, Dukes, Eckenrode, Frederick, Grant, Harris, Hickman, Malkus, Miller E.T., Mosner, Murphy, Pascal, Price, Rollins, Rush.

Total - 27



Amendment No. 10A, Committee Recommendation No. EB-2 by Delegate Weidemeyer from the Floor. The Amendment was duly seconded.

After the word "law" add the words: ", who shall serve at the pleasure of the Attorney General".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Anderson, Barrick, Beachley, Bennett, Blair, Boyer, Boyles, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Finch, Gilchrist, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Mason, Miller B., Mitchell, Moser, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Peters, Pullen, Robie K.L., Rosenstock, Rybczynski, Scanlan, Sherbow, Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Webb, Ritter, Weidemeyer, Wheatley, Willis.

Total - 73

Negative

Delegates -

Adkins, Bamberger, Bard, Boileau, Bothe, Boyce, Bradshaw, Bryson, Burdette, Dulany, Fornos, Fox, Freedlander, Gallagher, Gill, Gleason, Grumbacher, Gullett, Hanson, Hardwicke, Key, Macdonald, Marion, Maurer, Mentzer, Morgan, Penniman, Powers, Raley, Robey F.C., Schneider, Sickles, Siewierski, Singer, Sollins, Ulrich, Wagandt, White, Willoner, Winslow.

Total - 40

Not Voting

Delegates -

Clark J., James, Abramson, Armor, Baumann, Beall, Borom, Bushong, Caldwell, Chabot, Cleveland, Della, Dukes, Eckenrode, Frederick, Grant, Groh, Harris, Hickman, Malkus, Miller E.T., Mosner, Mudd, Murphy, Pascal, Price, Rollins, Rush, Schloeder.

Total - 29

AMENDMENT 10 AS AMENDED BY AMENDMENT 10A WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Clark J., Anderson, Barrick, Beachley, Bennett, Blair, Boyer, Burgess, Byrnes, Cardin, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski,





Darby, Dorsey, Finch, Gilchrist, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Mason, Mitchell, Murray E.C., Needle, Neumann, Smith A.W., Penniman, Peters, Pullen, Robie K.L., Rosenstock, Schloeder, Sherbow, Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Vecera, Webb, Ritter, Weidemeyer, Wheatley, White.

Total - 60

#### Negative

#### Delegates -

President, Tawes, Adkins, Bamberger, Bard, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Carson, Case, Dulany, Fornos, Fox, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Key, Koger, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mudd, Neilson, Powers, Raley, Robey F.C., Rybczynski, Scanlan, Schneider, Sickles, Siewierski, Singer, Sollins, Taylor H.E., Ulrich, Wagandt, Willis, Willoner, Winslow.

Total - 59

#### Not Voting

#### Delegates -

James, Abramson, Armor, Baumann, Beall, Bushong, Caldwell, Cleveland, Della, Dukes, Eckenrode, Frederick, Harris, Hickman, Malkus, Miller E.T., Mosner, Murphy, Murray D.S., Pascal, Price, Rollins, Rush.

Total - 23

There being no further amendments COMMITTEE RECOMMENDATION EB-2  
AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates -

President, Tawes, Clark J., Adkins, Anderson, Bamberger, Barrick, Beachley, Bennett, Blair, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burgess, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Finch, Fox, Gallagher, Gilchrist, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Winslow.

Total - 101

#### Negative



Delegates -

Boileau, Bothe, Burdette, Buzzell, Fornos, Freedlander, Gill, Hardwicke, Jett, Key, Marion, Singer, Sollins, Wagandt, Willoner.

Total - 15

Not Voting

Delegates -

James, Abramson, Armor, Bard, Baumann, Beall, Borom, Bushong, Caldwell, Cleveland, Della, Dukes, Eckenrode, Frederick, Groh, Harris, Hickman, Malkus, Miller E.T., Mosner, Murphy, Pascal, Price, Rollins, Rush, Ulrich.

Total - 26

At 4:35 p.m. Delegate Clark took over the Chair as Chairman.

Mr. Kiefer, Chairman, Committee on Personal Rights and the Preamble reported on Committee Recommendation No. R&P-1.

A recommendation that the Constitution contain a Preamble followed by Article I, a Declaration of Rights, that shall read as follows:

PREAMBLE

We, the people of the state of Maryland, grateful to Almighty God for our civil and religious freedom; recognizing that all political power originates in the people and that all government is instituted to secure their right to life, liberty, and the pursuit of happiness; and acknowledging our duty and responsibility to posterity, do establish and ordain this Constitution.

ARTICLE I

DECLARATION OF RIGHTS

Section 1. Freedom of Expression.

(A) The people shall have the right peaceably to assemble and to petition the government for a redress of grievances.

(B) Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

Section 2. Freedom of Religion.

No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.





Section 3. Right to Due Process and Equal Protection.

No person shall be deprived of life, liberty, or property, without due process of law; nor be denied the equal protection of the laws.

Section 4. Search and Seizure; Right to Privacy.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, interceptions of their communications, or other invasions of their privacy, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized, or the communications sought to be intercepted.

Section 5. Rights of Accused.

(A) A person accused of crime shall have the right to be informed of the nature and cause of the accusation in time to prepare his defense; to have the assistance of counsel for his defense; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses; and to have a speedy and public trial by an impartial jury of twelve without whose unanimous consent he shall not be adjudged guilty.

(B) An accused, except in cases punishable by death or life imprisonment, shall be entitled to release pending trial conditioned only upon such bail or other terms as are reasonably necessary to secure his appearance before the court.

Section 6. Right Against Self-Incrimination and Double Jeopardy

(A) No person shall be compelled in any criminal case to be a witness against himself.

(B) No person shall be twice put in jeopardy of criminal punishment for the same offense.

Section 7. Right to Jury Trial in Civil Cases.

Every person shall have the right of trial by jury of all issues of fact in civil proceedings in the several courts of law in this State where the amount or value in controversy exceeds such minimum as may be fixed by law. The jury shall consist of not less than six as may be fixed by law, and a unanimous decision of the jury shall be required to constitute its verdict.



Section 8. Unusual Punishments.

(A) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

(B) No conviction of crime shall work corruption of blood or forfeiture of estate.

Section 9. Limitations on State Action.

(A) The right to the writ of habeas corpus, and the provisions of this constitution, shall not be suspended.

(B) Private property shall not be taken or damaged for public use or purposes without just compensation.

(C) No bill of attainder, or ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 10. Reserved Rights.

The enumeration of rights in this Constitution shall not be construed to impair, disparage or deny others retained by the people.

At 4:45 p.m. a Quorum call was asked for which resulted in the following 85 Delegates answering the call:

Clark J., Adkins, Anderson, Bamberger, Barrick, Beachley, Bennett, Boileau, Brom, Bothe, Boyce, Boyles, Bryson, Burdette, Burgess, Buzzell, Byrnes, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Darby, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Jett, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Maurer, Mentzer, Miller B., Mitchell, Morgan, Murray E.C., Neede, Neilson, Neumann, Smith A.W., Pascal, Penniman, Powers, Raley, Robey F.C., Robie K.L., Rosenstock, Schneider, Sherbow, Sickles, Smith M.H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor L., Ulrich, Wagandt, Ritter, Weidemeyer, White, Winslow.

Total - 85

At 6:15 p.m. Mr. Eney returned to the Chamber and took over the Chair as Chairman.

Delegate Powers, duly seconded, moved that the Committee of the Whole RISE and report to the Convention that the Committee has concluded its consideration of Committee Recommendation No. EB-2 and approved that Recommendation as amended and has under consideration Committee Recommendation R&P-1 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE

At 6:15 p.m. the Convention resumed its session.





The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation B-2 and approved that recommendation as amended by the Committee of the Whole. The President also reported that the Committee has under consideration Committee Recommendation R&P-1 and desires to sit again on this matter.

The President referred Committee Recommendation EB-2 together with its amendments to the Committee on Style, Drafting and Arrangement.

At 6:15 p.m. on motion of Mr. Powers, duly seconded, the convention adjourned until Monday, Dec. 11, 1967 at 2:00 p.m.



CONSTITUTIONAL CONVENTION OF MARYLAND  
JOURNAL OF PROCEEDINGS

Annapolis, Md., Mon., Dec. 11, 1967

The Convention met at 2:00 o'clock P.M.

Invocation was offered by Rev. Delegate Bruce K. Price, of Baltimore County.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Murphy, Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow\*, Sickles\*\*, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow,\*Siewierski, \*\* Singer. Total--132

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 2:30 P.M. Consideration of Committee Recommendation No. R&P-1 resumed.

Amendment No. 1, to Committee Recommendation No. R&P-1, By Delegate Hardwicke, from the floor. The amendment was duly seconded.





On page 1 strike out all of lines 14 through 20, inclusive, and insert in lieu thereof the following:

"desirous of securing the blessings of Almighty God and of civilization for ourselves and our posterity, and believing that the chief function and purpose of government is to facilitate the enjoyment by all people of life, liberty and the pursuit of happiness,".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bard, Bennett, Borom, Chabot, Hardwicke, Harkness, Maurer, Miller B., Mitchell, Sollins, Taylor L. Total--12

Negative

Delegates--

President, Tawes, Clark J., James, Anderson, Armor, Barrick, Baumann, Beachley, Boileau, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Case, Child, Cicone, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Hanson, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Macdonald, Marion, Mentzer, Moser, Murphy, Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Willoner, Winslow. Total--95

Not Voting

Delegates--

Abramson, Adkins, Beall, Blair, Bothe, Boyce, Boyles, Bushong, Carson, Clagett, Clarke E.J., Cleveland, Gallagher, Grant, Groh, Grumbacher, Gullett, Hargrove, Key, Leitzel, Linton, Lord, Malkus, Mason, Miller E.T., Morgan, Mosner, Mudd, Murray D.S., Pascal, Rollins, Schloeder, Stern, Storm, White. Total--35

Amendment No. 2, to Committee Recommendation No. R&P-1, By Delegate Bennett, from the floor. The amendment was duly seconded.

In Section 2 Freedom of Religion, strike out the following words: ", or prohibiting the free exercise thereof".



WITHDRAWN WITH PERMISSION OF THE COMMITTEE.

Mrs. Mitchell, from the Committee on Personal Rights and Preamble reported Minority Report No. R&P-1(D), By Delegates Bennett, Bothe, Burgess, Hardwicke, Mitchell, L. Taylor, and Willoner, of the Committee on Personal Rights and Preamble. This Minority Report relates to Committee Recommendation No. R&P-1.

A MINORITY REPORT to provide that Section 3 of the Declaration of Rights include an express prohibition against discrimination based on race, color, religion or national origin, so that the Section shall read as follows:

Section 3. Right to Due Process and Equal Protection.

No person shall be deprived of life, liberty or property without due process of law, or be denied the equal protection of the laws, or be subject to discrimination by law or other governmental action because of race, color, religion or national origin.

COMMENTS:

It is the conviction of those persons signing the Report that Maryland should provide in the Declaration of Rights of the Constitution an express prohibition against discrimination based on race, color, religion or national origin. The language above is identical to the recommendation of the Constitutional Convention Commission draft.

In spite of the adoption of the Fourteenth Amendment to the U.S. Constitution in 1868, prohibiting any State from denying to any person within its jurisdiction the equal protection of the laws, racial segregation and discrimination were enforced by all seventeen Southern and Border states, including Maryland, with respect to education, employment, housing, access to public facilities and accommodations and other civil rights. Only in recent years has the government, Federal and State, interpreted the "equal protection" clause to require a breakdown of the barriers erected by racial prejudice. The unrest and protests in Maryland, and the widespread civil disorders elsewhere in the nation, reflect the discontent and danger resulting from the continuing denials of equality before the law.

We have a profound and unwavering faith in the use of constitutional methods to correct injustices and to right ancient wrongs, but strident voices are being raised against reliance upon the law.

It is, therefore, imperative that the new constitution specifically commit this State to the abolition of discrimination based on race, color, religion or national origin by its legislative, judicial and executive branches of government.





In a world torn by war and racial conflicts, the people of Maryland have a solemn and magnificent opportunity to reaffirm and strengthen our nation's belief in the equality of man.

\* \* \*

Amendment No. 3, to accompany Minority Report R&P-1(D), to Committee Recommendation No. R&P-1, By Delegates Bennett, Bothe, Burgess, Hardwicke, Mitchell, L. Taylor, Willoner.

In Section 3 Right to Due Process and Equal Protection, after the word "laws" add the following words:

"nor be subject to discrimination by the State because of race, color, religion, or national origin".

Amendment No. 3A, to Amendment No. 3, to Committee Recommendation No. R&P-1, By Delegates Boileau and Borom, from the floor. The amendment was duly seconded.

Strike out the word "religion" and insert in lieu thereof the word "creed".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Bennett, Boileau, Borom, Bothe, Boyce, Byrnes, Gilchrist, Grant, Grumbacher, Harris, Hickman, Hutchinson, Johnson, Key, Koss, Lord, Macdonald, Maurer, Moser, Mosner, Needle, Robey F.C., Rybczynski, Schneider, Siewierski, Singer, Smith J.H., Sollins, Taylor L., Vecera, Willoner. Total--31

#### Negative

##### Delegates--

Tawes, Clark J., James, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos. Fox, Frederick, Freedlander, Gallagher, Gill, Gleason, Groh, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Jett, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Marion, Mason, Miller B., Mitchell, Morgan, Murphy, Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Scanlan, Schloeder, Sherbow, Sickles, Smith A.W., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemyer, White, Willis. Total--94



Not Voting

Delegates--

President, Abramson, Adkins, Blair, Bushong, Clagett, Cleveland, Della, Gullett, Linton, Malkus, Mentzer, Miller E.T., Mudd, Murray D.S., Wheatley, Winslow. Total--17

AMENDMENT NO. 3 WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., James, Abramson, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Clarke E.J., Dukes, Dulany, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Kahl, Key, Kirkland, Koger, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Murray E.C., Needle, Neilson, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Wheatley, White, Willis, Willoner, Winslow. Total--100

Negative

Delegates--

Anderson, Boyles, Caldwell, Child, Cicone, Dabrowski, Darby, Harkness, Hickman, Hostetter, Hutchinson, Jett, Kiefer, Kosakowski, Peters, Price, Rush, Rybczynski, Vecera, Weidemeyer. Total--20

Not Voting

Delegates--

President, Tawes, Adkins, Armor, Baumann, Blair, Bushong, Clagett, Cleveland, Della, Dorsey, Eckenrode, Gilchrist, Groh, Johnson, Linton, Malkus, Miller E.T., Mudd, Murphy, Murray D.S., Neumann. Total--22

Amendment No. 4, to Committee Recommendation No. R&P-1, By Delegate Storm, from the floor. The amendment was duly seconded.

At end of Section 3 as amended by amendment no. 3, strike out the words "or national origin" and insert in lieu thereof the words "national origin, or sex".

WITHDRAWN WITH PERMISSION OF THE COMMITTEE.





Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation No. R&P-1 and desires to sit again to consider the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 5:59 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. R&P-1 and desires to sit again on the matter.

#### REPORTS OF OTHER STANDING COMMITTEES

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement, offered Report No. S&D-2. This report covers matters in Committee of the Whole Report No. 1, concerning Committee Recommendation No. GP-1.

\* \* \*

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement, offered Report No. S&D-3. This report covers matters in Committee of the Whole Report No. 2, concerning Committee Recommendation No. SF-1.

\* \* \*

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement, offered Report No. S&D-4. This report covers matters in Committee of the Whole Report No. 3, concerning Committee Recommendation No. GP-2.

\* \* \*

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement, offered Report No. S&D-5. This report covers matters in Committee of the Whole Report No. 9, concerning Committee Recommendation No. GP-4.

\* \* \*

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

At 6:04 o'clock P.M. on motion of Mr. Powers, the Convention took a recess until 7:30 o'clock P.M.

At 7:30 P.M. the Convention resumed its session.



Present at roll call were the following delegates:

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow, James, Webb.

Total--135

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to continue the consideration of the General Orders of the Day.

#### COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 7:45 P.M. Consideration of Committee Recommendation No. R&P-1 resumed.

Amendment No. 5, to Committee Recommendation No. R&P-1, By Delegate L. Taylor, from the floor. The amendment was duly seconded.

In Section 3, Right to Due Process and Equal Protection, after the period, add the following new sentence:

"The State or its political subdivisions shall not violate or deprive any individual of his legal or civil rights because of his economically deprived or indigent status, or social status."

WITHDRAWN WITH PERMISSION OF THE COMMITTEE.

Amendment No. 6, to Committee Recommendation No. R&P-1, By Delegate L. Taylor, from the floor. The amendment was duly seconded.

In Section 3, Right to Due Process and Equal Protection, after the period, add the following new sentence:

"The General Assembly shall have power to enforce this section by appropriate legislation."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates--

Bennett, Chabot, Grumbacher, Hardwicke, Hostetter, Key, Koger, Macdonald, Marion, Mason, Miller B., Mitchell, Morgan, Schloeder, Stern, Taylor H.E., Taylor L., Webb, Weidemeyer, White.  
Total--20

## Negative

### Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bard, Beachley, Beall, Boileau, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dorsey, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gleason, Groh, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Lord, Maurer, Mentzer, Moser, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Storm, Sybert, Vecera, Wheatley, Willis, Willoner, Winslow.  
Total--92

## Not Voting

### Delegates--

Bamberger, Barrick, Baumann, Blair, Borom, Bothe, Boyer, Burgess, Bushong, Cleveland, Darby, Della, Dukes, Fornos, Gilchrist, Gill, Grant, Gullett, Linton, Malkus, Miller E.T., Mosner, Mudd, Murphy, Pascal, Peters, Rollins, Sosnowski, Ulrich, Wagandt.  
Total--30

Amendment No. 7, to Committee Recommendation R&P-1, By Delegate Bothe,

In Section 4 Search and Seizure; Right to Privacy, after the period add this new sentence:

"Evidence secured in violation of these provisions shall not be used against any person in any proceedings either civil or criminal in the courts or before any agencies of the State."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

Abramson, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bryson, Burdette, Burgess, Freedlander, Gallagher, Grant, Hardwicke, Lord, Macdonald, Miller B., Mitchell, Morgan, Schloeder, Sollins,



White.

Total--22

Negative

Delegates--

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Boyer, Bradshaw, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dorsey, Dulany, Eckenrode, Finch, Fox, Gilchrist, Gill, Gleason, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Marion, Mason, Maurer, Mentzer, Moser, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Wagandt, Weidemeyer, Wheatley, Willis, Willoner, Winslow. Total--97

Not Voting

Delegates--

Baumann, Blair, Bushong, Cleveland, Darby, Della, Dukes, Fornos, Frederick, Gullett, Key, Koss, Malkus, Miller E.T., Mosner, Mudd, Murphy, Raley, Ritter, Taylor L., Vecera, Webb, Koger. Total--23

Amendment No. 8, to Committee Recommendation No. R&P-1,  
By Delegate Bothe, from the floor. The amendment was duly seconded.

In Section 4 Search and Seizure; Right to Privacy,  
after the period add this new sentence:

"Evidence secured in violation of these provisions shall not be admissible in any court against any person."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Abramson, Bard, Bennett, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bryson, Burdette, Burgess, Byrnes, Finch, Gallagher, Grant, Grumbacher, Hanson, Hardwicke, Hostetter, Key, Koss, Linton, Macdonald, Marion, Miller B., Mitchell, Morgan, Pascal, Schloeder, Sollins, Taylor L., White. Total--33





## Negative

### Delegates--

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Barrick, Beachley, Beall, Bradshaw, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dorsey, Dulany, Eckenrode, Fox, Gilchrist, Gill, Gleason, Groh, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Mason, Maurer, Mentzer, Moser, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Weidemeyer, Wheatley, Willis, Willoner, Winslow.

Total--85

### Not Voting

### Delegates--

Baumann, Blair, Bushong, Cleveland, Darby, Della, Dukes, Fornos, Frederick, Freedlander, Gullett, Koger, Lord, Malkus, Miller E.T., Mosner, Mudd, Murphy, Price, Raley, Ritter, Vecera, Wagandt, Webb.

Total--24

Amendment No. 9, to Committee Recommendation R&P-1, By Delegate Henderson, from the floor. The amendment was duly seconded.

In Section 5 Rights of Accused, strike out all of lines 11 and 12 and insert in lieu thereof the following words:

"of not less than six upon a verdict of not less than five-sixths, as prescribed by law."

AFTER DEBATE CONSIDERATION OF AMENDMENT 9 WAS DELAYED.

Amendment No. 10, to Committee Recommendation No. R&P-1, By Delegates James and J. Clark, from the floor. The amendment was duly seconded.

In Section 5, Rights of Accused, strike out the word "unanimous".

WITHDRAWN WITH PERMISSION OF THE COMMITTEE

Amendment No. 11, to Committee Recommendation No. R&P-1, By Delegates Scanlan and Adkins, from the floor. The amendment was duly seconded.

In Section 5, Rights of Accused, after the words "confronted with" add the words "and to examine under oath or affirmation".



WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Adkins, Anderson, Armor,  
Bamberger, Bard, Barrick, Beachley, Boileau, Borom, Bothe,  
Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Byrnes,  
Caldwell, Cardin, Case, Chabot, Child, Cicone, Clagett,  
Dabrowski, Dorsey, Dulany, Eckenrode, Finch, Fox, Freedlander,  
Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson,  
Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman,  
Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer,  
Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald,  
Marion, Mentzer, Mitchell, Morgan, Moser, Murray D.S.,  
Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman,  
Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L.,  
Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder,  
Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W.,  
Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern,  
Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt,  
Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--110

Negative

Delegates--

Mason.

Total--1

Not Voting

Delegates--

Abramson, Baumann, Beall, Bennett, Blair, Burgess, Bushong,  
Buzzell, Carson, Clarke E.J., Cleveland, Darby, Della, Dukes,  
Fornos, Frederick, Gleason, Gullett, Hostetter, Koger, Malkus,  
Maurer, Miller B., Miller E.T., Mosner, Mudd, Murphy, Price,  
Ritter, Vecera, Webb.

Total--31

Delegate Powers, duly seconded, moved that the Committee  
of the Whole Rise and report to the Convention that the Com-  
mittee has under consideration Committee Recommendation No.  
R&P-1 and desires to sit again to further consider the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 10:06 P.M. the Convention resumed its session.

The President reported to the Convention that the Com-  
mittee of the Whole has under consideration Committee Recom-  
mendation No. R&P-1 and desires to sit again to consider the  
matter further.





ANNOUNCEMENTS

The President reported receipt of the following communication:

OFFICE OF THE SUPERINTENDENT  
UNITED STATES NAVAL ACADEMY  
ANNAPOLIS, MARYLAND 21402

11 Dec 1967

From: Superintendent, U. S. Naval Academy  
To: President  
Constitutional Convention of Maryland  
Subject: BEAT ARMY!

1. In compliance with your order of 30 November pursuant to general Provisions Recommendation Number One (GP-1), I am pleased to report:

a. The invasion from the banks of the Hudson on 2 December was successfully repelled within three hours time.

b. Control of the high seas and the safety of the people has been insured.

c. The Honor and Dignity of the Citizens of Maryland have been victoriously upheld.

2. On behalf of the Brigade of Midshipmen, I extend to you the best of wishes in your work and our sincere thanks for your support.

Sincerely,

/s/  
DRAPER L. KAUFFMAN  
Rear Admiral, U. S. Navy  
Superintendent

President  
Constitutional Convention of Maryland  
Annapolis, Maryland 21402

WHICH WAS READ

At 10:08 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Tuesday, December 12, 1967, at 10:00 A.M.



CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland  
Tuesday, December 12, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. Howard S. Arnold, St. Barnabas - Leland Episcopal Church, Upper Marlboro, Maryland.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--134

COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT

Mr. Powers, Chairman of the Committee on Calendar and Agenda reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved to amend todays calendar by striking out item 7 (second reading of Committee Recommendations) and adding under item 10 a provision to allow consideration of Committee Recommendation No. R&P-1 to resume and to adopt todays calendar as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. James presided at 10:17 A.M. Consideration of Committee Recommendation No. R&P-1 resumed.





Mr. Child, from the Committee on Personal Right and Preamble reported Minority Report No. R&P-1 (A), By Delegates Child, Beachley, Burgess, Dabrowski, Groh, Hardwicke, Hostetter, Price, and Weidemeyer, of the Committee on Personal Rights and Preamble. This Minority Report relates to Committee Recommendation No. R&P-1.

A MINORITY REPORT to delete, strike from, and obliterate Sub-Paragraph B of Section 5 of the majority report of Committee Recommendation No. R&P-1.

\* \* \*

It is submitted that Sub-Paragraph B should be stricken from the Committee Recommendation for the following reasons:

1. It is unnecessary.
2. It is repetitive and superfluous.
3. The language is statutory.
4. It is restrictive.

Amendment No. 12, to accompany Minority Report R&P-1 (A), to Committee Recommendation No. R&P-1, By Delegates Child, Beachley, Burgess, Dabrowski, Groh, Hardwicke, Hostetter, Price, and Weidemeyer, from the floor. The amendment was duly seconded.

In Section 5 Rights of Accused, strike out the following: "(A)";

And strike out all of lines 14 through 19, inclusive.

At 11:15 A.M. Mr. Eney returned to the chamber and replaced Mr. James as Chairman of the Committee.

AMENDMENT NO. 12 WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., Adkins, Anderson, Armor, Barrick, Baumann, Beachley, Blair, Boyer, Burgess, Buzzell, Byrnes, Caldwell, Carson, Case, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Dulany, Frederick, Gilchrist, Groh, Grumbacher, Gullett, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Linton, Malkus, Mason, Mentzer, Mitchell, Mudd, Murray D.S., Murray E.C., Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Soul, Sybert, Ulrich, Vecera, Webb, Weidemeyer. Total--73



Negative

Delegates--

President, James, Bamberger, Bard, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Chabot, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gill, Gleason, Grant, Hargrove, Harris, Key, Kirkland, Kosakowski, Koss, Lord, Macdonald, Marion, Maurer, Miller B., Morgan, Murphy, Needle, Neilson, Raley, Robey F.C., Schloeder, Singer, Sollins, Stern, Storm, Taylor H.E., Taylor L., Wagandt, White, Willis, Willoner, Winslow. Total--51

Not Voting

Delegates--

Tawes, Abramson, Beall, Boyles, Bushong, Cardin, Clarke E.J., Cleveland, Dukes, Hanson, Kiefer, Koger, Leitzel, Miller E.T., Moser, Mosner, Sosnowski, Wheatley. Total--18

AMENDMENT NO. 9 WAS WITHDRAWN AT THIS TIME WITH PERMISSION OF THE COMMITTEE.

Amendment No. 13, to Committee Recommendation No. R&P-1, By Delegates James, J. Clark, Henderson, and Scanlan, from the floor. The amendment was duly seconded.

In Section 5 Rights of Accused, strike out the word "unanimous"; and in line 12 strike out the period and insert in lieu thereof the following words:

", provided that the General Assembly may by law authorize majority verdicts of not less than ten in cases not punishable by death or life imprisonment."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., James, Armor, Barrick, Bennett, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Carson, Cicone, Clagett, Dabrowski, Darby, Dulany, Fox, Gilchrist, Grant, Grumbacher, Henderson, Hickman, Hopkins, Hostetter, Johnson, Kahl, Lord, Macdonald, Maurer, Mentzer, Morgan, Mudd, Needle, Pascal, Powers, Raley, Scanlan, Sickles, Smith J.H., Smith M.H., Sybert, Winslow. Total--44





## Negative

### Delegates--

Abramson, Adkins, Anderson, Bamberger, Bard, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyer, Burdette, Burgess, Case, Chabot, Child, Dorsey, Eckenrode, Finch, Fornos, Frederick, Gill, Gleason, Groh, Gullett, Hardwicke, Hargrove, Harkness, Harris, Hutchinson, Jett, Kiefer, Kirkland, Koger, Kosakowski, Linton, Malkus, Marion, Mason, Miller B., Mitchell, Moser, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Price, Pullen, Ritter, Robey F.C., Robie K.L., Rollins, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Siewierski, Singer, Smith A.W., Sollins, Soul, Stern, Storm, Taylor H.E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willis, Willoner.

Total--76

### Not Voting

### Delegates--

President, Tawes, Baumann, Boyles, Bushong, Clarke E.J., Cleveland, Della, Dukes, Freedlander, Gallagher, Hanson, Key, Koss, Leitzel, Miller E.T., Mosner, Murphy, Rosenstock, Sosnowski, Taylor L., Wheatley.

Total--22

Amendment No. 14, to Committee Recommendation No. R&P-1, By Delegate Henderson, from the floor. The amendment was duly seconded.

In Section 5 Rights of Accused, after the period add this new sentence:

"The General Assembly may provide for juries of not less than six in the District Court."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates--

Clarke J., James, Bennett, Boyce, Boyer, Bradshaw, Bryson, Byrnes, Cardin, Carson, Case, Cicone, Clagett, Dabrowski, Dulany, Fox, Gilchrist, Gleason, Grant, Grumbacher, Gullett, Hargrove, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Kahl, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Morgan, Moser, Mudd, Needle, Neilson, Neumann, Pascal, Powers, Raley, Rollins, Rosenstock, Rush, Scanlan, Schloeder, Schneider, Smith J.H., Smith M.H., Sollins, Sybert, Winslow.

Total--55



## Negative

### Delegates--

Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Blair, Boileau, Borom, Bothe, Burdette, Burgess, Buzzell, Chabot, Child, Darby, Dorsey, Dukes, Eckenrode, Finch, Fornos, Frederick, Freedlander, Gallagher, Gill, Groh, Hardwicke, Harkness, Harris, Johnson, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Malkus, Miller B., Mitchell, Murphy, Murray D.S., Murray E.C., Penniman, Peters, Pullen, Ritter, Robey F.C., Robie K.L., Rybczynski, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Sosnowski, Soul, Stern, Storm, Taylor H.E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner. Total--72

### Not Voting

### Delegates--

President, Tawes, Baumann, Boyles, Bushong, Caldwell, Clarke E.J., Cleveland, Della, Hanson, Litzel, Miller E.T., Mosner, Price, Taylor L. Total--15

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention, that the Committee has not concluded its consideration of Committee Recommendation No. R&P-1 and desires to sit again to consider the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 1:25 P.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. R&P-1 and desires to sit again to consider the matter.

At 1:45 o'clock P.M. on motion of Mr. Powers, the Convention took a recess until 3:15 o'clock P.M.

At 3:15 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Labrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer,





Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord,  
Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B.,  
Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S.,  
Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman,  
Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C.,  
Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan,  
Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer,  
Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul,  
Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera,  
Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner,  
Winslow.

Total--138

#### REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 16. This report covers matters in General Order No. 25, Committee Recommendation No. S&E-2, Delegate Proposal No.'s 2, 21, 22, 41, 45, 51, 58, 62, 75, 78, 96, 129, 140, 141, 142, 143, 144, 154, 177, 201, 206, 213, 216, 248, 259, 286, 300, 334, 346, 357, 361, 366, 382, 396.

\* \* \*

The Committee of the Whole has considered Committee Recommendation No. S&E-2 and has approved it with amendments as indicated in the attachment to this Report.

WHICH WAS READ.

Committee Recommendation No. S&E-2, as amended by Committee of the Whole December 8, 1967.

\* \* \*

#### Section 1. Eligible Voters in Federal, State and County Elections

Every citizen of the United States who has attained the age of nineteen years, who has been a resident of the State for six months and of the House of Delegates District (and county) in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote for all officers to be elected by the people and upon all questions submitted to a vote of the people. Removal from one district (or county) to another (district or county) in this State shall not deprive a person of his qualification to vote in the House district (or county) from which he has removed until three months after his removal.

#### Section 2. Eligible Voters in Municipal Elections

~~Qualifications for voters in municipal elections shall be the same as for State elections, except that a municipality may by law establish a period of minimum residence not exceeding one year, may by law provide a lower minimum voting age and may by law extend the right to vote to nonresidents owning taxable property within its limits~~ (may be established by law by municipal corporations subject to such procedures and standards as the General Assembly may provide by public general laws. No municipal corporation may establish a voting age requirement of more than nineteen years nor a residency)



(requirement of more than one year.)

### Section 3. Eligible Voters in Presidential Elections

For purposes of voting for President and Vice President of the United States or electors for those offices, the General Assembly shall by public general law establish lesser residence requirements for citizens who have resided in this State for less than six months. ~~The General Assembly may by law waive residence requirements for former registered voters of this State who have removed from this State but shall not permit voting by any person who meets the voting residence requirements of the State to which he has removed.~~

\* \* \*

### Section 5. Disqualification

~~No person who has been adjudicated non compos mentis shall be entitled to vote until such adjudication is removed. The General Assembly shall by public general law establish disqualifications for voting by reason of conviction of serious crime, and shall by law provide for the removal of such disqualifications.~~ (The General Assembly may by law establish disqualifications for voting by reason of mental incompetence or conviction of serious crime, and shall provide for the removal of such disqualifications.)

\* \* \*

### Section 7. General Elections

A general election shall be held in every even-numbered year on the Tuesday next after the first Monday in November.

~~A general election shall be held on the Tuesday next after the first Monday in November in 1970 and every fourth year thereafter at which time State officials shall be elected.~~

~~A general election shall be held on the Tuesday next after the first Monday in November in 1971 and every fourth year thereafter at which time county officials shall be elected.~~

(A general election shall be held on the Tuesday next after the first Monday in November in 1970 and every fourth year thereafter at which time State officials shall be elected, except that judges may be elected in any even-numbered year. Unless otherwise provided by public general law or by instrument of government, elections of county officials shall be held at the same time as the election for State officials. Elections for officials serving on a staggered term basis may be held every two years.)

### Section 8. Pluralities

The candidates receiving the greatest number of votes shall be elected to ~~or in the case of primary elections, become the nominee for~~ the offices for which they were candidates.

\* \* \*





Report of the Committee of the Whole No. 17. This report covers matters in General order No. 26, Committee Recommendation No. EB-2, Delegate Proposal No.'s 69, 85, 87, 147, 322.

\* \* \*

The Committee of the Whole has considered Committee Recommendation No. EB-2 and has approved it with amendments as indicated in the attachment to this Report.

WHICH WAS READ.

Committee Recommendation No. EB-2, as amended by Committee of the Whole, December 9, 1967.

Section \_\_\_\_ . Attorney General

There shall be an Attorney General, elected in the same manner for the same term of office, and at the same times as the Governor. To be eligible for ~~election-as~~(the office of) Attorney General, a person ~~must-be-a-citizen-of~~(shall have been a qualified voter in)the State and ~~a-member-of-the-bar-of~~(have been authorized to practice law in)the State for at least five years immediately prior to his election(or appointment.) In the event that the office of Attorney General shall be vacant, the Governor shall, with the advice and consent of the Senate, appoint a person to fill the unexpired term.

Section \_\_\_\_ . Powers and Duties of the Attorney General

The Attorney General shall be the chief legal officer of the State. He shall represent the State in all civil cases or proceedings in which the State is a party or may be interested and in all criminal cases in the Court of Appeals, the Intermediate Appellate Court and the Courts of the United States and shall have such other powers and duties with respect to civil and criminal cases or proceedings, and with respect to ~~other-matters~~(his responsibilities as chief legal officer of the State,)as may be prescribed by law. The Attorney General shall, upon request, give his opinion on any legal matter to either house of the General Assembly or the presiding officer thereof, to the Governor, and to any other officer, agency or department of the State. (The Attorney General may appoint such number of deputies or assistants as the General Assembly may prescribe by law, who shall serve at the pleasure of the Attorney General.)

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 3:27 P.M. Consideration of Committee Recommendation No. R&P-1 resumed.



Amendment No. 15, to Committee Recommendation No. R&P-1, By Delegates Case, Lord, and Carson, from the floor. The amendment was duly seconded.

In Section 5 Rights of Accused, strike out the period and insert in lieu thereof the following:

" , except that trial by jury shall not be required for petty offenses of the type for which there was no right of trial by jury at common law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

James, Armor, Bamberger, Bennett, Blair, Buzzell, Byrnes, Cardin, Carson, Case, Cicone, Clagett, Darby, Dulany, Gallagher, Gilchrist, Hanson, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Lord, Maurer, Moser, Needle, Neumann, Robie K.L., Rollins, Scanlan, Schneider, Sherbow, Smith M.H., Sybert, Willis, Winslow. Total--37

Negative

Delegates--

Tawes, Clark J., Anderson, Beachley, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Chabot, Child, Dabrowski, Dorsey, Dukes, Eckenrode, Finch, Fornos, Fox, Frederick, Gill, Gleason, Grant, Grumbacher, Hargrove, Harkness, Harris, Hutchinson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Macdonald, Marion, Mason, Miller B., Mitchell, Mosner, Mudd, Murray D.S., Murray E.C., Neilson, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Rosenstock, Rush, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Soul, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willoner. Total--78

Not Voting

Delegates--

President, Abramson, Adkins, Bard, Barrick, Baumann, Beall, Bushong, Caldwell, Clarke E.J., Cleveland, Della, Freedlander, Groh, Gullett, Hardwicke, Koss, Malkus, Mentzer, Miller E.T., Morgan, Murphy, Price, Rybczynski, Schloeder, Sosnowski, Wheatley. Total--27

Amendment No. 16, to Committee Recommendation No. R&P-1, By Delegate Grant, from the floor. The amendment was duly seconded.

In Section 5 Rights of Accused add the following:





"An accused, except in cases punishable by death or life imprisonment, shall be entitled, unless public peace would require otherwise, to release pending trial conditioned only upon such bail or other terms as are reasonably necessary to secure his appearance before the court."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bennett, Byrnes, Chabot, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hutchinson, Macdonald, Mentzer, Miller, B., Needle, Scanlan, Sickles, Storm, Taylor L.  
Total--20

Negative

Delegates--

Tawes, Clark, J., James, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Cardin, Case, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Frederick, Groh, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Leitzel, Linton, Marion, Mason, Maurer, Morgan, Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Robie, K.L., Rollins, Rush, Rybczynski, Schneider, Sherbow, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Sybert, Taylor, H.E., Ulrich, Vecera, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.  
Total--92

Not Voting

Delegates--

President, Abramson, Barrick, Boyer, Boyles, Bushong, Carson, Clarke, E.J., Cleveland, Della, Fox, Gullett, Kahl, Kosakowski, Koss, Lord, Malkus, Miller, E.T., Mitchell, Moser, Pascal, Price, Ritter, Robey, F.C., Rosenstock, Schloeder, Siewierski, Sosnowski, Wagandt, Webb.  
Total--30

Delegate Dukes, duly seconded, moved to reconsider the vote by which amendment #12 was adopted.



SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bard, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Byrnes, Chalot, Dukes, Eckenrode, Finch, Fornos, Fox, Freedlander, Gill, Grumbacher, Hanson, Hargrove, Harris, Hutchinson, Key, Kirkland, Koger, Kosakowski, Koss, Macdonald, Marion, Maurer, Miller, B., Mitchell, Morgan, Moser, Murphy, Needle, Neilson, Raley, Robey, F.C., Siewierski, Singer, Sollins, Soule, Stern, Storm, Taylor, L., White, Willoner, Winslow.

Total--53

Negative

Delegates--

Tawes, Clark, J., James, Adkins, Anderson, Armor, Baumann, Beachley, Beall, Burgess, Buzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Darby, Dorsey, Dulany, Frederick, Gallagher, Gilchrist, Gleason, Grant, Groh, Harkness, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Leitzel, Linton, Mason, Mentzer, Mosner, Mudd, Murray, D.S., Murray, E.C., Neumann, Pascal, Penniman, Peters, Powers, Pullen, Ritter, Robie, K.L., Rollins, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Smith, A.W., Smith, J.H., Smith, M.H., Sybert, Taylor, H.E., Ulrich, Vecera, Webb, Weidemeyer, Willis.

Total--70

Not Voting

Delegates--

President, Abramson, Barrick, Boyles, Bushong, Cleveland, Della, Gullett, Hardwicke, Kiefer, Lord, Malkus, Miller, E.T., Price, Rosenstock, Schloeder, Sosnowski, Wagandt, Wheatley.

Total--19

Amendment No. 17 to Committee Recommendation No. R&P-1, by Delegate Johnson from the floor. The amendment was duly seconded.

In Section 7 Right to Jury Trial in Civil Cases strike out the words: "The jury shall consist of not less than six as may be fixed by law" and insert in lieu thereof the following: "The jury shall consist of either six or twelve as provided by law".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Blair, Boyer, Burdette, Byrnes, Dukes, Harkness, Hickman,





Affirmative (continued)

Hostetter, Johnson, Kahl, Key, Kirkland, Siewierski, Smith,  
M.H., Taylor, H.E. Total--15

Negative

Delegates--

President, Tawes, Clark, J., James, Adkins, Anderson, Armor,  
Bamberger, Bard, Baumann, Beachley, Boileau, Bothe, Boyce,  
Bryson, Burgess, Buzzell, Cardin, Case, Chabot, Child, Cicone,  
Clagett, Clarke, E.J., Dabrowski, Darby, Dulany, Eckenrode,  
Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill,  
Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett,  
Kiefer, Koger, Kosakowski, Koss, Litzel, Linton, Macdonald,  
Malkus, Marion, Mason, Mentzer, Miller, B., Mitchell, Morgan,  
Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson,  
Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter,  
Robie, K.L., Rollins, Schneider, Sherbow, Sickles, Smith, A.W.,  
Smith, J.H., Sollins, Soul, Stern, Storm, Sybert, Ulrich,  
Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.  
Total--90

Not Voting

Delegates--

Abramson, Barrick, Beall, Bennett, Borom, Boyles, Bradshaw,  
Bushong, Caldwell, Carson, Cleveland, Della, Dorsey, Gilchrist,  
Gleason, Grant, Groh, Grumbacher, Gullett, Hutchinson, Lord,  
Maurer, Miller, E.T., Moser, Pascal, Price, Robey, F.C., Rosen-  
stock, Rush, Rybczynski, Scanlan, Schloeder, Singer, Sosnowski,  
Taylor, L., Vecera, Wheatley. Total--37

Amendment No. 18 to Committee Recommendation No. R&P-1, by  
Delegate L. Taylor from the floor. The amendment was duly  
seconded.

In Section 8. Unusual Punishments add the following:  
"(C) The General Assembly shall provide by law for the  
restoration of the civil rights of an individual lost as the  
result of conviction of any crime."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Bard, Burdette, Cardin, Finch, Fox, Gill, Grant, Hardwicke,  
Hargrove, Key, Koger, Macdonald, Malkus, Mason, Maurer,  
Mentzer, Miller, B., Mitchell, Penniman, Sollins, Taylor, H.E.  
Taylor, L., White. Total--23



## Negative

### Delegates--

President, Tawes, Clark, J., Adkins, Anderson, Armor, Bamberger, Beachley, Blair, Boileau, Boyce, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gleason, Hanson, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Leitzel, Linton, Marion, Moser, Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Peters, Powers, Pullen, Raley, Ritter, Robey, F.C., Rosenstock, Rush, Rybczynski, Scanlan, Sickles, Siewierski, Smith, A.W., Smith, J.H., Smith, M.H., Soul, Stern, Storm, Sybert, Vecera, Webb, Weidemeyer, Willoner, Winslow. Total--82

### Not Voting

### Delegates--

James, Abramson, Barrick, Baumann, Beall, Bennett, Borom, Bothe, Burgess, Bushong, Carson, Case, Cleveland, Darby, Della, Groh, Grumbacher, Gullett, Harris, Kahl, Kosakowski, Koss, Lord, Miller, E.T., Morgan, Price, Robie, K.L., Rollins, Schloeder, Schneider, Sherbow, Singer, Sosnowski, Ulrich, Wagandt, Wheatley, Willis. Total--37

Mr. Weidemeyer from Committee on Personal Rights and Preamble reported Minority Report No. R&P-1(E): by Delegates Burgess, Dabrowski, Hostetter, C. Murray and Weidemeyer of the Committee on Personal Rights and Preamble. This Minority Report relates to Committee Recommendation No. R&P-1.

A Minority Report to limit the exercise of the power of eminent domain by private persons, firms or corporations.

\* \* \*

The General Assembly has delegated to various corporations, utilities and firms the power to exercise eminent domain to achieve a public use or purpose. Examples are electric, gas and water companies, telephone and telegraph companies and railroads. These delegates are grants of general authority applicable to all chartered companies performing the requisite functions.

The ability to take the private property of another should be severely circumscribed, even when the taking is for a public use or purpose. The intent of this Report is to prevent the power of eminent domain from being delegated in the future for an indefinite or extended time. This provision would limit the delegation to the time reasonably necessary to acquire the property, or, in any event, to a maximum of three years and would require specification of the purpose of the acquisition.





The immediate acquisition of private property prior to a mutually agreeable settlement should be limited. When eminent domain is not being exercised by the State, a political subdivision or agency, there should be no quick-takes unless the need is urgent and immediate.

At 6:06 P.M. a quorum call was asked for which resulted in the following delegates being present.

Tawes, Clark, J., James, Abramson, Armor, Bard, Beachley, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Cicone, Clagett, Clarke, E.J., Dabrowski, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Gilchrist, Gill, Gleason, Grant, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Koger, Kosakowski, Koss, Leitzel, Lord, Marion, Maurer, Mentzer, Miller, B., Mitchell, Moser, Mosner, Mudd, Murphy, Murray, D.S., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey, F.C., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--108

Amendment No. 19, to accompany Minority Report No. R&P-1(E) to Committee Recommendation No. R&P-1: by Delegates Burgess, Dabrowski, Hostetter, C. Murray, Weidemeyer from the floor. The amendment was duly seconded.

In Section 9 Limitations on State Action after the period add these words:

"No general or indefinitely continuing authority shall hereafter be granted which authorizes the taking or damaging of private property by private persons, firms or corporations for any public use or purpose. Any such specific authority hereafter granted shall be limited to a specific purpose or purposes and shall be exercisable during such period of time as may be reasonably necessary to acquire the property by condemnation but such period shall in no event extend for longer than three years. In granting any such specific authority the advance taking of property shall not be preferred but may be granted and exercised only upon a showing of immediate and urgent necessity."



WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Bennett, Blair, Boyer, Boyles, Burdette, Burgess, Buzzell,  
Caldwell, Cardin, Clagett, Clarke, E.J., Dabrowski, Dorsey,  
Eckenrode, Finch, Fornos, Fox, Hostetter, Hutchinson, Jett,  
Johnson, Kirkland, Kosakowski, Mitchell, Murray, D.S., Murray,  
E.C., Neumann, Peters, Pullen, Ritter, Rybczynski, Schneider,  
Siewierski, Soul, Stern, Taylor, H.E., Vecera, Webb, Weide-  
meyer, Wheatley, Willoner. Total--41

Negative

Delegates--

President, Tawes, James, Abramson, Anderson, Bard, Beachley,  
Boileau, Bothe, Boyce, Bradshaw, Bryson, Byrnes, Carson, Case,  
Cicone, Dukes, Dulany, Frederick, Freedlander, Gallagher,  
Gilchrist, Gill, Grant, Grumbacher, Hanson, Hardwicke,  
Hargrove, Harkness, Harris, Henderson, Hopkins, Key, Kiefer,  
Koger, Koss, Leitzel, Macdonald, Marion, Maurer, Mentzer,  
Miller, B., Morgan, Moser, Mosner, Mudd, Murphy, Needle,  
Neilson, Penniman, Powers, Raley, Robey, F.C., Rollins, Rosen-  
stock, Sherbow, Sickles, Singer, Smith, J.H., Smith, M.H.,  
Sollins, Storm, Sybert, Taylor, L., Ulrich, Wagandt, White,  
Willis, Winslow. Total--69

Not Voting

Delegates--

Clark, J., Adkins, Armor, Bamberger, Barrick, Baumann, Beall,  
Borom, Bushong, Chabot, Child, Cleveland, Darby, Della,  
Gleason, Groh, Gullett, Hickman, Kahl, Linton, Lord, Malkus,  
Mason, Miller, E.T., Pascal, Price, Robie, K.L., Rush, Scanlan,  
Schloeder, Smith, A.W., Sosnowski. Total--32

Amendment No. 20, to Committee Recommendation No. R&P-1, by  
Delegate Gilchrist from the floor. The amendment was duly  
seconded.

In Section 9 Limitations on State Action strike out the  
following words:

"or damaged".





WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Clark, J., James, Abramson, Armor, Bradshaw, Bryson, Buzzell,  
Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Cicone,  
Clarke, E.J., Fox, Freedlander, Gallagher, Gilchrist, Gill,  
Gleason, Grant, Hardwicke, Henderson, Hopkins, Lord, Macdonald,  
Mentzer, Moser, Mosner, Mudd, Penniman, Peters, Powers, Raley,  
Robey, F.C., Rollins, Rosenstock, Singer, Smith, J.H., Smith,  
M.H., Storm, Sybert, Ulrich, Wagandt, Willis.

Total--46

Negative

Delegates--

Tawes, Anderson, Bamberger, Bard, Beachley, Bennett, Blair,  
Boileau, Bothe, Boyce, Boyer, Boyles, Burdette, Burgess,  
Child, Clagett, Dabrowski, Dorsey, Dukes, Dulany, Eckenrode,  
Finch, Fornos, Frederick, Grumbacher, Hanson, Hargrove,  
Harkness, Harris, Hostetter, Hutchinson, Jett, Johnson, Key,  
Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Malkus,  
Marion, Mason, Maurer, Miller, B., Mitchell, Morgan, Murphy,  
Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pullen,  
Robie, K.L., Rybczynski, Schneider, Sherbow, Sickles,  
Siewierski, Smith, A.W., Sollins, Soul, Stern, Taylor, L.,  
Vecera, Webb, Weidemeyer, White, Willoner, Winslow.

Total--71

Not Voting

Delegates--

President, Adkins, Barrick, Baumann, Beall, Borom, Bushong,  
Cleveland, Darby, Della, Groh, Gullett, Hickman, Kahl, Koss,  
Miller, E.T., Pascal, Price, Ritter, Rush, Scanlan, Schloeder,  
Sosnowski, Taylor, H.E., Wheatley.

Total--25

Delegate Powers, duly seconded, moved that the Committee of  
the Whole Rise and report to the Convention that the committee  
has under consideration Committee Recommendation R&P-1 and  
desires to sit again to consider the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 6:45 P.M. the Convention resumed its session.



The President reported to the convention that the Committee of the Whole has under consideration Committee Recommendation R&P-1 and desires to sit again to consider the matter.

At 6:46 P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Wednesday December 13, 1967 at 10:00 A.M.





CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland

Wednesday, December 13, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Reverend Richard C. Hubbard, Grace Methodist Church, Cambridge, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwick, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D. S., Murray, E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey, F. C., Robie, K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith, A. W., Smith, J. H., Smith, M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H. E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--131

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved to amend today's calendar to include in Item 10 "Resumption of consideration of Committee Recommendation RP-1" and that the Calendar and Agenda be adopted as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.



Memorandum in support of Section 10 of Committee Recommendation R&P-2, was offered by Delegate E. Churchill Murray.

WHICH WAS READ.

Memorandum in support of omitting GP-4, a provision on Consumer Protection was offered by Delegate Freedlander.

WHICH WAS READ.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 10:20 A.M. Consideration of Committee Recommendation R&P-1 resumed.

Mrs. Bothe from Committee on Personal Rights and Preamble reported Minority Report No. R&P-1(B) by Delegates Bennett, Bothe, Dabrowski, Hardwicke, Kosakowski, Mitchell, Taylor L, and Willoner of the Committee on Personal Rights and Preamble. This Minority Report relates to Committee Recommendation No. R&P-1.

The Committee had before it several proposals (34, 121, 171, 172, 406, 421, 424) dealing with the rights of working people. The majority decided that the subject should not be mentioned in the Constitution.

We disagree. With the proliferation of industry and commerce in Maryland, important, meaningful and essential changes in the social structure have taken place, and new needs and concepts have come into being since our 1867 Constitution was composed. We believe that working people in today's complex society possess rights which demand expression and protection in our 1967 Constitution.

\* \* \*

Ten states have "Little Wagner Acts"; that is, statutory agencies which afford employees within the purview of state jurisdiction protections similar to those accorded under the National Labor Relations Act. Such states include California, Connecticut, Massachusetts, New York, Pennsylvania, Puerto Rico, Rhode Island, Utah and Wisconsin. Kansas, Michigan and Minnesota give statutory rights to organize and bargain collectively but have not set up enforcement machinery, leaving this function to the courts. Maryland has nothing--and the Convention should act to fill this regrettable void.





This recommendation does not urge, seek or require a point of agreement between employer and employee concerning any issue. It guarantees no less and no more than the right of all employees to organize and to bargain collectively through their chosen representatives. We believe this to be a Constitutional imperative.

Amendment No. 21, to accompany Minority Report R&P-1(B), to Committee Recommendation No. R&P-1: by Delegates Bennett, Bothe, Dabrowski, Hardwicke, Kosakowski, Mitchell, L. Taylor, Willoner.

In Section 9, Limitations on State Action add this new section:

"Section \_\_\_\_ . Right to Organize and Bargain Collectively

Employees shall have the right to organize and bargain collectively through representatives of their own choosing."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Abramson, Armor, Bamberger, Bard, Baumann, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bryson, Buzzell, Byrnes, Case, Chabot, Cicone, Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Grant, Grumbacher, Hanson, Hardwicke, Hargrove, Harris, Hickman, Hopkins, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Lord, Malkus, Marion, Mason, Miller B., Mitchell, Moser, Mosner, Murphy, Murray D.S., Needle, Neilson, Penniman, Peters, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rybczynski, Schloeder, Schneider, Sickles, Siewierski, Singer, Smith A. W., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Vecera, Wagandt, Webb, Wheatley, White, Willoner.

Total--83

#### Negative

##### Delegates--

President, Tawes, Clark J., James, Adkins, Beachley, Cardin, Carson, Child, Clagett, Dukes, Fornos, Gilchrist, Gullett, Harkness, Henderson, Hostetter, Jett, Kiefer, Linton, Macdonald, Maurer, Mentzer, Morgan, Mudd, Neumann, Pascal, Powers, Rollins, Rosenstock, Scanlan, Sherbow, Smith M. H., Ulrich, Weidemeyer, Willis, Winslow.

Total--37

#### Not Voting

##### Delegates --

Anderson, Barrick, Boyles, Bradshaw, Burdette, Burgess, Bushong, Caldwell, Clarke E.J., Cleveland, Della, Gill, Gleason, Groh, Hutchinson, Koger, Leitzel, Miller E. T., Murray E. C., Price, Rush, Smith J. H.

Total--22



Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has under consideration Committee Recommendation No. R&P-1 and desires to sit again to consider the matter further.

At 12:58 P.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has not concluded its consideration of Committee Recommendation No. R&P-1 and desires to sit again to consider the matter.

At 1:00 o'clock P.M., on motion of Mr. Powers, the Convention took a recess until 2:00 o'clock P.M.

At 2:00 P.M. the Convention resumed its session. Present at the roll call were the following delegates.

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--137

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

#### COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 2:24 P.M. Consideration of Committee Recommendation No. R&P-1 resumed.

Amendment No. 22, to Committee Recommendation No. R&P-1: by Delegate Weidemeyer, from the floor. The amendment was duly seconded.





In the section added by Amendment 21 strike out the word "Employees" and insert in lieu thereof the following:

"All employees, except governmental employees of the State, its subdivisions, municipalities, or those indirectly employed under contracts with the State, its subdivisions, and municipalities,".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Beachley, Burdette, Burgess, Caldwell, Child, Clagett, Darby, Harkness, Hostetter, Kiefer, Morgan, Mudd, Rollins, Rosenstock, Smith M. H., Weidemeyer. Total--16

Negative

Delegates--

Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Cicone, Dabrowski, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Lord, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rybczynski, Scanlan, Schloeder Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Wheatley, White, Willis, Willoner, Winslow. Total--108

Not Voting

Delegates--

President, Anderson, Boyer, Boyles, Bushong, Clarke E.J., Cleveland, Della, Gill, Gleason, Henderson, Linton, Macdonald, Malkus, Mason, Miller E. T., Price, Rush. Total--18

Amendment No. 23, to Committee Recommendation No. R&P-1: by Delegates James and J. Clark, from the floor. The amendment was duly seconded.

In the Section \_\_\_\_\_. Right to Organize and Bargain Collectively as amended by Amendment No. 21 after the word "choosing" add the following words:

", subject to such procedural regulations as the General Assembly may prescribe by law".



WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,  
Armor, Barrick, Beachley, Blair, Bradshaw, Bryson, Burdette,  
Burgess, Buzzell, Caldwell, Cardin, Carson, Child, Clagett,  
Darby, Dulany, Eckenrode, Finch, Fornos, Gilchrist, Gleason,  
Grant, Groh, Gullett, Harkness, Henderson, Hickman, Hostetter,  
Hutchinson, Jett, Kahl, Kiefer, Linton, Mason, Maurer, Morgan,  
Mudd, Murray E. C., Neilson, Neumann, Pascal, Penniman, Peters,  
Powers, Robie K.L., Rollins, Rosenstock, Scanlan, Schneider,  
Sherbow, Siewierski, Smith A. W., Smith J. H., Smith M. H.,  
Soul, Stern, Storm, Sybert, Taylor H. E., Ulrich, Weidemeyer,  
Willis, Winslow. Total--70

Negative

Delegates--

Bamberger, Bard, Baumann, Beall, Bennett, Boileau, Borom, Bothe,  
Boyce, Boyer, Byrnes, Dabrowski, Dorsey, Dukes, Fox, Frederick,  
Freedlander, Gallagher, Gill, Grumbacher, Hanson, Hargrove, Harris,  
Hopkins, Johnson, Key, Kirkland, Koger, Kosakowski, Koss,  
Leitzel, Lord, Macdonald, Malkus, Marion, Mentzer, Miller B.,  
Mitchell, Moser, Murphy, Murray D. S., Pullen, Ritter, Robey F. C.,  
Rybczynski, Schloeder, Sickles, Singer, Sollins, Taylor L., Vecera,  
Wagandt, Webb, White, Willoner. Total--55

Not Voting

Delegates--

Boyles, Bushong, Case, Chabot, Cicone, Clarke E. J., Cleveland,  
Della, Hardwick, Miller E. T., Mosner, Needle, Price, Raley,  
Rush, Sosnowski, Wheatley. Total--17

Delegate Adkins, duly seconded, moved to reconsider the vote  
by which Amendment No. 20 to Committee Recommendation R&P-1 was  
not adopted.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., James, Abramson, Adkins, Armor, Barrick, Beall, Blair,  
Boyer, Bradshaw, Bryson, Byrnes, Caldwell, Cardin, Carson, Case,  
Chabot, Cicone, Clarke E. J., Dabrowski, Dulany, Eckenrode,  
Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant,  
Gullett, Hanson, Henderson, Hickman, Hopkins, Hostetter, Linton,  
Macdonald, Marion, Mason, Maurer, Mentzer, Morgan, Moser, Mudd,  
Neilson, Penniman, Peters, Powers, Raley, Robey F. C., Rollins,  
Rosenstock, Scanlan, Singer, Smith J. H., Smith M. H., Stern,  
Sybert, Taylor H. E., Ulrich, Vecera, Willis. Total--62





## Negative

### Delegates--

Tawes, Anderson, Bamberger, Bard, Beachley, Bennett, Boileau, Bothe, Boyce, Burdette, Burgess, Buzzell, Child, Clagett, Darby, Dorsey, Dukes, Finch, Frederick, Groh, Grumbacher, Hardwicke, Hargrove, Harkness, Harris, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss; Leitzel, Malkus, Miller B., Mitchell, Murphy, Murray D. S., Murray E. C., Needle, Neumann, Pullen, Ritter, Robie K. L., Rybczynski, Sherbow, Sickles, Siewierski, Smith A. W., Sollins, Soul, Storm, Taylor L., Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow. Total--63

### Not Voting

### Delegates--

President, Baumann, Borom, Boyles, Bushong, Cleveland, Della, Fornos, Lord, Miller E. T., Mosner, Pascal, Price, Rush, Schloeder, Schneider, Sosnowski. Total--17

Amendment No. 24, to Committee Recommendation No. R&P-1, by Delegates Bard and Macdonald, from the floor. The amendment was duly seconded.

In Section 9 Limitations on State Action after the word "damaged" add the following words:

", as the latter term shall be defined by law,".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Bard, Barrick, Boyer, Bradshaw, Bryson, Caldwell, Cardin, Carson, Chabot, Cicone, Clarke E. J., Dabrowski, Darby, Eckenrode, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Gullett, Hanson, Hardwicke, Henderson, Hickman, Hopkins, Koss, Linton, Lord, Macdonald, Mason, Maurer, Mentzer, Morgan, Moser, Mudd, Neumann, Pascal, Penniman, Peters, Powers, Raley, Robie K. L., Rollins, Singer, Smith M. H., Sosnowski, Stern, Storm, Sybert, Ulrich, Wagandt, Willis. Total--60



Negative

Delegates--

Anderson, Bamberger, Baumann, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Burdette, Burgess, Buzzell, Byrnes, Child, Clagett, Dorsey, Dukes, Finch, Fornos, Frederick, Groh, Grumbacher, Hargrove, Harkness, Harris, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Malkus, Marion, Miller B., Mitchell, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Pullen, Ritter, Robey F. C., Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Smith A. W., Sollins, Taylor H. E., Taylor L., Webb, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total--64

Not Voting

Delegates--

Armor, Blair, Boyles, Bushong, Case, Cleveland, Della, Dulany, Miller E. T., Mosner, Price, Rush, Rybczynski, Scanlan, Schloeder, Smith J. H., Soul, Vecera.

Total--18

Amendment No. 25, to Committee Recommendation No. R&P-1, by Delegate Malkus, from the floor. The amendment was duly seconded.

In the Section Right to Organize and Bargain Collectively, as added by Amendment No. 21 add the following new sentence:

"Employees of the State of Maryland shall not engage in any strike against the State."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Baumann, Beachley, Burdette, Caldwell, Cardin, Child, Clagett, Dabrowski, Darby, Eckenrode, Finch, Harkness, Hickman, Hostetter, Jett, Kahl, Kiefer, Linton, Malkus, Mentzer, Murray E. C., Robie K. L., Rollins, Rosenstock, Siewierski, Smith M. H., Sosnowski, Storm, Sybert, Taylor H. E., Weidemeyer, Willis.

Total--32

Negative

Delegates--

Clark J., James, Adkins, Bamberger, Bard, Beall, Bennett, Boileau, Borom, Pothe, Boyce, Boyles, Bradshaw, Bryson, Burgess, Buzzell, Byrnes, Carson, Case, Chabot, Cicone, Clarke E. J., Dorsey, Dukes, Dulany, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Hutchinson, Johnson, Key, Koger, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Miller B., Mitchell, Morgan, Moser, Nudd, Murphy, Murray D. S., Neilson, Pascal, Penniman, Pullen, Raley, Ritter, Robey F. C., Rybczynski, Scanlan, Schneider, Sherbow,





Sickles, Singer, Smith A. W., Smith J. H., Sollins, Soul, Stern,  
Taylor L., Ulrich, Wagandt, Webb, White, Willoner, Winslow.

Total--84

### Not Voting

#### Delegates--

President, Tawes, Abramson, Anderson, Armor, Barrick, Blair, Boyer,  
Bushong, Cleveland, Della, Grant, Kirkland, Mason, Maurer, Miller E. T.,  
Mosner, Needle, Neumann, Peters, Powers, Price, Rush, Schloeder,  
Vecera, Wheatley.

Total--26

Amendment No. 26, to Committee Recommendation No. R&P-1: by Delegates  
Johnson, Blair, Bradshaw, Burdette, Darby, Dorsey, Dukes, Frederick,  
Grant, Harkness, Hickman, Hostetter, Hutchinson, Jett, Kahl, Kev,  
Kirkland, Linton, Murphy, Murray D. S., Murray E. C., Neilson F. C.  
Robey, Rollins, Rosenstock, Rush, Rybczynski, Siewierski, Smith J. H.,  
Smith M. H., Sosnowski, Soul, Taylor, H., Vecera, Webb, Wheatley and  
Ritter, from the floor. The amendment was duly seconded.

In Section 7, Right to Jury Trial in Civil Cases strike out all  
of lines 41 through 44 and insert in lieu thereof the following:

"The jury shall consist of not less than twelve. The General  
Assembly may provide by law for a jury of not less than six in the  
District Court. A unanimous decision of any jury shall be required  
to constitute its verdict."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:

### Affirmative

#### Delegates--

Tawes, Clark J., Abramson, Bard, Barrick, Baumann, Beall, Boyer,  
Boyles, Bradshaw, Burdette, Burgess, Caldwell, Cardin, Carson,  
Case, Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Frederick, Gilchrist,  
Gleason, Grant, Groh, Gullett, Hargrove, Harkness, Harris, Hickman,  
Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski,  
Leitzel, Linton, Malkus, Marion, Maurer, Miller B., Mitchell,  
Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Neilson, Neumann,  
Powers, Pullen, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock,  
Rybczynski, Sherbow, Siewierski, Singer, Smith A. W., Smith J. H.,  
Smith M. H., Sosnowski, Soul, Storm, Taylor H. E., Vecera, Weidemeyer,  
Wheatley, White.

Total--75

### Negative

#### Delegates--

Adkins, Anderson, Armor, Bamberger, Beachley, Bennett, Boileau,  
Bothe, Boyce, Bryson, Buzzell, Byrnes, Chabot, Child, Cicone, Clagett,  
Clarke E. J., Dulany, Finch, Fornos, Fox, Freedlander, Gill, Grum-  
bacher, Hardwicke, Henderson, Hopkins, Kiefer, Koss, Macdonald,  
Mentzer, Morgan, Moser, Needle, Penniman, Raley, Scanlan, Schneider,  
Sickles, Sollins, Stern, Taylor L., Wagandt, Willoner, Winslow.

Total--45



## Not Voting

### Delegates--

President, James, Blair, Borom, Bushong, Cleveland, Della, Gallagher, Hanson, Hostetter, Lord, Mason, Miller E. T., Pascal, Peters, Price, Rush, Schloeder, Sybert, Ulrich, Webb, Willis. Total--22

COMMITTEE RECOMMENDATION R&P-1 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Robie, K. L., Rollins, Rosenstock, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, Willis, Willoner, Winslow. Total--121

### Negative

### Delegates--

None

Total--0

### Not Voting

### Delegates--

James, Blair, Bushong, Cleveland, Della, Fornos, Gallagher, Gilchrist, Hanson, Hutchinson, Lord, Malkus, Miller E. T., Pascal, Peters, Price, Rush, Schloeder, Sybert, Webb, White. Total--21

Mr. Willoner from the Committee on Personal Rights and the Preamble reported on Committee Recommendation No. R&P-2.

A RECOMMENDATION that the Constitution contain provisions relating to articles of government, the administration of justice and the legal policies and limitations of the State, as follows:





## Section 1. Supremacy of the Constitution of the United States

The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.

## Section 2. Reserved Powers

The powers not delegated to the United States by the Constitution thereof, not prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

## Section 3. Separation of Powers

The legislative, executive, and judicial powers of government shall be forever separate and distinct from each other, and no person exercising the functions of one of these departments shall assume or discharge the duties of any other.

## Section 4. Suspension of Laws

No power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, shall be exercised, or allowed.

## Section 5. Limitation of Holding Office

That no person shall hold, at the same time, more than one office of profit, created by the Constitution or Laws of this State. The position of Notary Public shall not be considered an office of profit within the meaning of this section.

## Section 6. Adoption of Common Law

That the Inhabitants of Maryland are entitled to the Common Law of England according to the course of that Law, and to the benefit of such of the English Statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of the General Assembly in force on the effective date of this Constitution, except as may be inconsistent with the provisions of this Constitution; subject nevertheless, to the revision of, and amendment or repeal by, the General Assembly. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by his Majesty Charles the First to Caecilius Calvert, Baron of Baltimore.



## Section 7. Right to Sue State and Local Governments

The doctrine of sovereign immunity may not be pleaded as a defense in suits against the state, its instrumentalities and its political subdivisions except to the extent and in the manner as shall be permitted by law.

## Section 8. Right of Removal of Civil Cases

In all actions at law exceeding the jurisdictional amount provided by law or when the court sits in equity, a party after suggestion under oath that he cannot have a fair and impartial trial in the court in which the same is pending, the court shall order said cause removed to another court.

## Section 9. Economic Opportunity

It shall be the policy of the state that all persons shall have economic security, the opportunity for employment and the means to provide for themselves and their families a standard of living based upon decency, dignity, and health. The General Assembly shall implement this policy.

## Section 10. Criminal Jury, Judge of Law and Fact

In the trial of all criminal cases, the Jury shall be the Judges of the Law, as well as of fact, except that the court may pass upon the sufficiency of the evidence to sustain a conviction.

## Section 11. Grand Jury Indictment as a Right of the Accused

No person shall be held to answer for a felony unless on/  
/indictment of a Grand Jury,  
except in cases arising in the land or naval forces, or in the Militia when in actual service.

## Section 12. Right of Removal of Criminal Cases

In felony cases, after suggestion under oath by the accused that he cannot have a fair and impartial trial in the court where the case may be pending, that court shall order the case removed for trial.

## Section 13. Imprisonment for Debt

No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by decree of said court for the support of a wife or dependent children, or for the support of an illegitimate child or children, or for alimony, shall not constitute a debt within the meaning of this section.





Amendment No. 1, to Committee Recommendation No. R&P-2, by Delegates Scanlan and Moser, from the floor. The amendment was duly seconded.

Strike out all of Section 1 Supremacy of the Constitution of the United States.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Burgess, Byrnes, Caldwell, Cardin, Case, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Pascal, Penniman, Ritter, Robey F. C., Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Stern, Sybert, Taylor H. E., Ulrich, Vecera, Wagandt, Wheatley, White, Willis, Willoner, Winslow.  
Total--101

#### Negative

##### Delegates--

Bard, Boyles, Buzzell, Dorsey, Koger, Mentzer, Powers, Pullen, Raley, Robie K. L., Rollins, Rosenstock, Siewierski, Soul, Taylor L., Weidemeyer.  
Total--16

#### Not Voting

##### Delegates--

James, Bennett, Boyce, Bushong, Carson, Chabot, Cleveland, Della, Finch, Gallagher, Hardwicke, Harris, Hostetter, Koss, Malkus, Miller E. T., Murphy, Neumann, Peters, Price, Rush, Schneider, Singer, Storm, Webb.  
Total--25



Amendment No. 2, to Committee Recommendation No. R&P-2, by Delegates Scanlan and Moser, from the floor. The amendment was duly seconded.

Strike out Section 2 Reserved Powers inclusive.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Bamberger, Bard, Barrick, Baumann, Beall, Blair, Boileau, Bothe, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Cicone, Clagett, Clarke E. J., Darby, Dukes, Dulany, Eckenrode, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Key, Koger, Kosakowski, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mitchell, Morgan, Moser, Mosner, Murray E. C., Needle, Pascal, Penniman, Powers, Robey F. C., Robie K. L., Scanlan, Schloeder, Sherbow, Siewierski, Singer, Smith A.W., Smith J. H., Smith M. H., Sollins, Sosnowski, Stern, Taylor H. E., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--86

Negative

Delegates--

Anderson, Armor, Beachley, Boyles, Burgess, Caldwell, Child, Dabrowski, Dorsey, Fox, Groh, Hutchinson, Kiefer, Kirkland, Linton, Mentzer, Mudd, Murray D. S., Neilson, Pullen, Raley, Ritter, Rollins, Rosenstock, Rybczynski, Sickles, Soul, Sybert, Vecera, Weidemeyer, Wheatley. Total--31

Not Voting

Delegates--

James, Bennett, Borom, Boyce, Bushong, Chabot, Cleveland, Della, Finch, Hardwicke, Harris, Hostetter, Koss, Malkus, Miller B., Miller E. T., Murphy, Neumann, Peters, Price, Rush, Schneider, Storm, Taylor L., Webb. Total--25

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has concluded its consideration of Committee Recommendation R&P-1 and approved that Recommendation as amended and also has under consideration Committee Recommendation R&P-2.

At 6:33 P.M. the Convention resumed its session.





The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. R&P-1 and approved that Recommendation as amended and has under consideration Committee Recommendation R&P-2.

The President referred Committee Recommendation No. R&P-1 together with its amendments to the Committee on Style, Drafting and Arrangement.

At 6:40 o'clock P.M., on motion of Mr. Powers, the Convention took a recess until 8:15 o'clock P.M.

At 8:15 P.M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, Clark J., Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dorsey, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total--117

Unfinished business.

Consideration of Report by the Committee of the Whole on Committee Report No. EB-1.

The President put the question on the approval of Committee Report No. EB-1 as amended.

COMMITTEE REPORT NO. EB-1 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates--

President, Tawes, Adkins, Armor, Bamberger, Bard, Beachley, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Dorsey, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Johnson, Key, Kiefer, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Murray E. C., Needle, Neilson, Penniman, Powers, Pullen, Raley, Ritter, Rosenstock, Scanlan, Sherbow, Sickles, Singer, Smith A. W., Smith M. H., Sollins, Sosnowski, Stern, Storm, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Willis, Willoner, Winslow.

Total--91

## Negative

### Delegates--

Hostetter, Jett.

Total--2

## Not Voting

### Delegates--

Clark J., James, Abramson, Anderson, Barrick, Baumann, Beall, Bennett, Blair, Bushong, Byrnes, Cardin, Chabot, Cleveland, Darby, Della, Dukes, Finch, Frederick, Hardwicke, Hutchinson, Kahl, Kirkland, Koger, Koss, Malkus, Miller E. T., Mosner, Mudd, Murphy, Murray D. S., Neumann, Pascal, Peters, Price, Robey F. C., Robie K.L., Rollins, Rush, Rybczynski, Schloeder, Schneider, Siewierski, Smith J. H., Soul, Taylor H. E., Webb, Wheatley, White.

Total--49

## SECOND READING OF COMMITTEE RECOMMENDATIONS

This report covers matters in Committee of the Whole Report No. 1.

Committee Recommendation No. GP-1

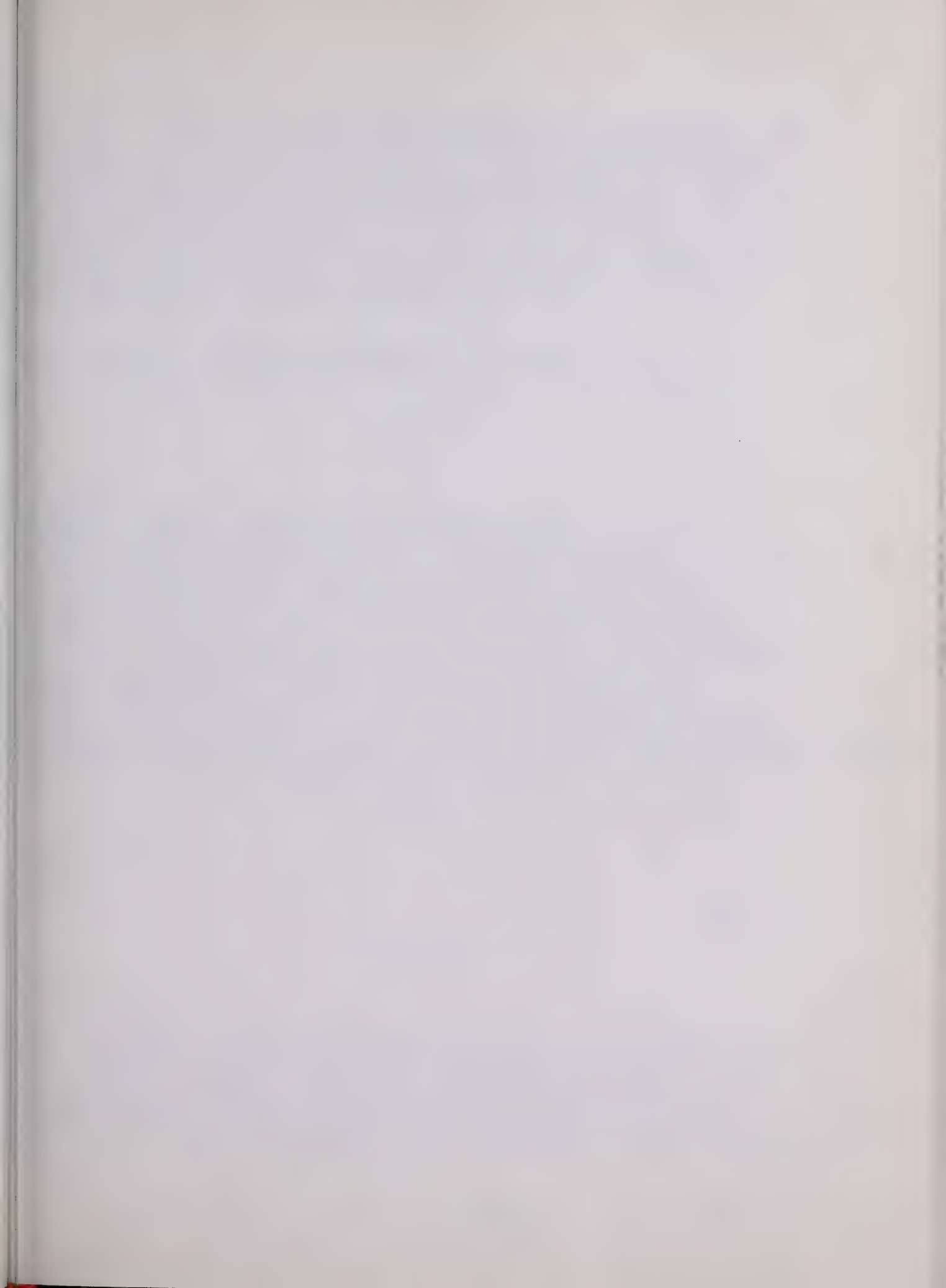
Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement presented Report No. S&D-2.

The Committee on Style, Drafting and Arrangement recommends that the Committee Recommendation No. GP-1 read as indicated in the attached recommendation.

The word "duty" was changed to "service" in the second sentence to use the same word as is used in the last sentence. The statutes [Article 65, Section 8 of the Annotated Code of Maryland] also uses the word "service".









Governor shall be its Ecommander in Echief and shall appoint its officers. The Governor may order the Mmilitia te(into)active duty(service)to repel invasions,(to)suppress insurrections,(to) enforce the execution of the laws, and(to)provide assistance when great destruction of life or property is(may be)threatened or has(may have)occured. The military authority of the State shall be and remain subject to civil control in the person of the Governor at all times. Only a member of the militia may be subject to a(military)trial by a military court of this State and then only for offenses committed while the member is in actual service.

COMMITTEE RECOMMENDATION GP-1 AS AMENDED  
WAS APPROVED ON SECOND READING BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray E.C., Needle, Neilson, Penniman, Powers, Pullen, Raley, Ritter, Robey F.C., Rollins, Rosenstock, Scanlan, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Stern, Storm, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Willis, Winslow.

Total--98

Negative

Delegates--

Willoner.

Total--1

Not Voting

Delegates--

Clark J., James, Abramson, Anderson, Baumann, Beall, Blair, Boyce, Bushong, Byrnes, Cardin, Chabot, Cleveland, Della, Dorsey, Dukes, Finch, Frederick, Hardwicke, Harkness, Hutchinson, Kirkland, Koger, Koss, Malkus, Miller, E.T, Mosner, Murray D.S., Neumann, Pascal, Peters, Price, Robie K.L., Rush, Rybczynski, Schloeder, Schneider, Siewierski, Soul, Taylor H.E., Webb, Wheatley, White.

Total--43





Committee Recommendation No. SF-1

Mr. Penniman, Chairman on the Committee on Style, Drafting and Arrangement presented Report No. S&D-3.

The Committee on Style, Drafting and Arrangement recommends that the Committee Recommendation No. SF-1 read as indicated in the attached recommendation.

The word "appointed" was changed to "elected" in view of the comment of Delegate Sherbow in response to a question from another Delegate: "When it says 'appointed' by the General Assembly, this would require a majority of each house of the General Assembly." [Transcript, November 3, p. 1402]

AMENDMENTS RECOMMENDED BY THE COMMITTEE ON STYLE, DRAFTING, AND ARRANGEMENT IN REPORT S&D-3 ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clagett, Dabrowski, Darby, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morqan, Moser, Mudd, Murphy, Murray E.C., Needle, Neilson, Penniman, Powers, Pullen, Raley, Ritter, Robey F.C., Rollins, Rosenstock, Scanlan, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Stern, Storm, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Willis, Willoner, Winslow.

Total--100

Negative

Delegates--

None

Not Voting

Delegates--

Clark J., James, Abramson, Baumann, Bennett, Elair, Boyce, Bushong, Byrnes, Cardin, Chabot, Elarke E.J., Cleveland, Della, Dorsey, Dukes, Finch, Frederick, Hardwicke, Hutchinson, Kirkland, Koger, Koss, Malkus, Miller E.T., Mosner, Murray D.S., Neumann, Pascal, Peters, Price, Robie K.L., Rush, Rybczynski, Schloeder, Schneider, Siewierski, Soul, Taylor H.E., Webb, Wheatley, White.

Total--42



Committee Recommendation No. SF-1

\*\*\*

POST AUDIT OF STATE FINANCES

(ARTICLE 3. LEGISLATIVE BRANCH)

Section 3. Post Audit.

The General Assembly shall provide by law for post audit of ~~S~~state finances by an agency of the General Assembly ~~directed by a person appointed by it and under its control.~~ (The principal officer of the agency shall be elected by and be responsible to the General Assembly.)

COMMITTEE RECOMMENDATION SF-1 AS AMENDED WAS APPROVED ON SECOND READING BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray E.C., Needle, Neilson, Penniman, Powers, Pullen, Raley, Ritter, Robey, F.C., Rollins, Rosenstock, Scanlan, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Stern, Storm, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Willis, Willoner, Winslow.

Negative

Total--101

Delegates--

None

Not Voting

Delegates--

Clark J., James, Abramson, Anderson, Baumann, Blair, Boyce, Bushong, Byrnes, Cardin, Chabot, Cleveland, Della, Dorsey, Dukes, Finch, Frederick, Hardwicke, Hutchinson, Kirkland, Koger, Koss, Malkus, Miller E.T., Mosner, Murray D.S., Neumann, Pascal, Peters, Price, Robie, K.L., Rush, Rybczynski, Schloeder, Schneider, Siewierski, Soul, Taylor H.E., Webb, Wheatley, White.

Total--41





Committee Recommendation No. GP-2.

Mr. Penniman, Chairman, Committee on Style, Drafting, and Arrangement presented Report No. S&D-4.

\*\*\*

The Committee on Style, Drafting and Arrangement recommends that the Committee Recommendation No. GP-2 read as indicated in the attached recommendation.

The added words in the first sentence are intended to emphasize the optional nature of the use of a reference to God.

AMENDMENTS RECOMMENDED BY THE COMMITTEE ON STYLE, DRAFTING, AND ARRANGEMENT IN REPORT NO. S&D-4 ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J.Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Boileau, Borom, Boyce Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Carson, Case Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mitchell, Morgan, Moser, Mudd, Murphy, Murray E.C., Needle, Neilson, Penniman, Powers, Pullen, Raley, Ritter, Robey F.C., Rollins, Rosenstock, Scanlan, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Stern, Storm, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow.

Total--101

Negative

Delegates--

None

Not Voting

Delegates--

James, Abramson, Anderson, Baumann, Bennett, Blair, Bothe, Bushong, Byrnes, Cardin, Chabot, Cleveland, Della, Dorsey, Dukes, Finch, Frederick, Hardwicke, Hutchinson, Kirkland, Koger, Koss, Malkus, Mentzer, Miller B., Miller E., Mosner, Murray D.S., Neumann, Pascal, Peters, Price, Robie K.L., Rush, Rybczynski, Schloeder, Schneider, Souf, Taylor H.E., Webb, Wheatley.



\* \* \*

OATH OF OFFICE

[Section] \_\_\_\_\_. [Oath.]

Every person elected or appointed to any office of profit or trust under the Constitution or laws of this State shall, before he enters upon the duties of such office, take and subscribe [to] the following oath or affirmation, [the parenthetical language being optional:] "(In the presence of Almighty God) I, \_\_\_\_\_, do swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of \_\_\_\_\_, according to the Constitution and laws of this State." No other oath or affirmation shall be required. Should any person elected or appointed to an office of profit or trust refuse or neglect to take the oath or affirmation, then such office shall be vacant, and shall be filled as provided [by this Constitution or] by law.

THE FOLLOWING AMENDMENT WAS OFFERED FROM THE FLOOR ON SECOND READING:

Amendment No. 1, to Committee Recommendation No. GP-2, as amended by Report No. S&D-4 by Delegates Cardin, Bamberger, Bard, Bennett, Boileau, Borom, Bothe, Boyce, Bryson, Byrnes, Caldwell, Carson, Case, Chabot, Darby, Fox, Freedlander, Gallagher, Gilchrist, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hutchinson, Jett, Key, Koger, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, B. Miller, Mitchell, Morgan, Moser, D.S. Murray, Needle, Powers, Raley, E. L. Robie, Rollins, Schloeder, Singer, J.H. Smith, Sollins, Storm, H. Taylor, L. Taylor, Ulrich, White, Willis, Willoner, Winslow.

The Amendment was duly seconded.

In the section on Oath strike out all of lines 10 and 11 and insert in lieu thereof the following: " "I, \_\_\_\_\_, ".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Byrnes, Cardin, Carson, Case, Chabot, Clarke E.J., Fox, Freedlander, Gallagner, Gilchrist, Gron, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hutchinson, Jett, Key, Kiefer, Koss, Litzel, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Murray D.S., Needle, Powers, Raley, Rollins, Scanlan, Schloeder, Sickles, Siewierski, Singer, Smith J.H., Sollins, Stern, Storm, Taylor L., Ulrich, Waganat, white, Willoner, Winslow.

Total--60





## Negative

### Delegates--

Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bard, Barrick, Beachley, Blair, Boyer, Boyles, Burdette, Burgess, Buzzell, Caldwell, Child, Cicone, Clagett, Dabrowski, Dorsey, Dulany, Eckenrode, Fornos, Frederick, Gill, Gleason, Grant, Harkness, Harris, Hickman, Hopkins, Hostetter, Johnson, Kahl, Kirkland, Koger, Kosakowski, Linton, Mentzer, Mosner, Mudd, Murphy, Murray E.C., Neilson, Pascal, SmithAW, Penniman, Pullen, Ritter, Robie, K.L., Rosenstock, Rybczynski, Sherbow, Smith M.H., Sosnowski, Soul, Sybert, Taylor H.E., Vecera, Weidemeyer, Wheatley, Willis.

Total-- 63

## Not Voting

### Delegates--

President, James, Baumann, Bushong, Cleveland, Darby, Della, Dukes, Finch, Hardwicke, Malkus, Miller E.T., Neumann, Peters, Price, Robey F.C., Rush, Schneider, Webb.

Total-19

Amendment No. 2, to Committee Recommendation No. GP-2, as Amended by Report No. S&D-4 by Delegate Sickles, from the floor, The amendment was duly seconded.

In the Section on Oath strike out all of line 11 and insert in lieu thereof the following:

" "I, \_\_\_\_\_, ";

And in line 20 after the word "State" add the words:

"(So help me God)".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

Bamberger, Bard, Beall, Bennett, Boileau, Bothe, Boyce, Bradshaw, Bryson, Cardin, Carson, Case, Chabot, Clarke E.J., Dabrowski, Dulany, Fornos, Gilchrist, Grant, Grumbacher, Gullett, Hanson, Hutchinson, Key, Lord, Macdonald, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murray E.C., Needle, Neilson, Penniman, Pullen, Robey F.C., Sickles Sollins, Stern, Storm, Sybert, Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willis, Winslow.

Total--52



## Negative

### Delegates--

Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Barrick, Beachley, Blair, Boyer, Boyles, Burdette, Burgess, Buzzell, Byrnes, Child, Cicone, Clagett, Dorsey, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gill, Gleason, Groh, Hargrove, Harnkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Marion, Moser, Murphy, Murray D.S., Pascal, Powers, Ritter, Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Sherbow, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Taylor H.E., Vecera, Wheatley, Willoner.

Total--67

## Not Voting

### Delegates--

President, James, Baumann, Borom, Bushong, Caldwell, Cleveland, Darby, Della, Dukes, Finch, Hardwicke, Malkus, Miller E. T., Neumann, Peters, Price, Raley, Rush, Schloeder, Schneider, Singer, Webb.

Total--23

COMMITTEE RECOMMENDATION GP-2 AS AMENDED BY S,D&A IN REPORT S&D-4 WAS APPROVED ON SECOND READING BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bard, Barrick, Beachley, Beall, Blair, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Case, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Fornos, Frederick, Gilchrist, Gill, Gleason, Grant, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Lord, Mason, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Pascal, Penniman, Powers, Pullen, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Sherbow, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Storm, Sybert, Taylor H.E., Vecera, Weidemeyer, Wheatley, White, Winslow.

Total--89

## Negative

### Delegates--

Bamberger, Bennett, Boileau, Borom, Bothe, Cardin, Carson, Chabot, Clarke E.J., Fox, Freedlander, Gallagher, Groh, Grumbacher, Gullett, Hanson, Hutchinson, Jett, Koss, Macdonald, Marion, Maurer, Mitchell, Scanlan, Schloeder, Sickles, Siewierski, Singer, Sollins,





Stern, Ulrich, Willis, Willoner.

Total--33

Not Voting

Delegates--

James, Baumann, Bushong, Cleveland, Della, Dukes, Finch, Hardwicke, Key, Malkus, Miller E.T., Neumann, Peters, Price, Raley, Rush, Schneider, Taylor L., Wagandt, Webb.

Total--20

Committee Recommendation No. GP-4

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement presented Report No. S&D-5.

\*\*\*

The Committee on Style, Drafting and Arrangement recommends that the Committee Recommendation No. GP-4 read as indicated in the attached recommendation.

AMENDMENT RECOMMENDED BY THE COMMITTEE ON STYLE, DRAFTING, AND ARRANGEMENT IN REPORT NO. S&D-5 ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--114



Negative

Delegates -

Adkins, Hostetter, Jett

Total - 3

Not Voting

Delegates -

James, Anderson, Bothe, Bushong, Chabot, Cleveland, Della, Dukes  
Finch, Hardwicke, Hutchinson, Johnson, Koss, Malkus, Maurer,  
Miller E.T., Mosner, Murphy, Neumann, Peters, Price, Rush,  
Rbyczynski, Schneider, Webb.

Total - 25

Committee Recommendation No. GP-4. Consumer Protection.

[Section] \_\_\_\_\_. [Consumer Protection.]

The General Assembly shall ~~by law~~ provide [by law] for the  
protection and education of the citizens of the s[S]tate  
against harmful and unfair business practices.

COMMITTEE RECOMMENDATION GP-4 AS AMENDED BY S,D&A REPORT S&D-5  
WAS APPROVED ON SECOND READING BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Bard, Beachley, Bennett, Blair, Borom, Boyer, Burgess,  
Byrnes, Chabot, Child, Clagett, Clarke E.J., Dabrowski, Eckenrode,  
Fornos, Gill, Grumbacher, Gullett, Hargrove, Harris, Key, Kiefer,  
Kirkland, Koger, Kosakowski, Leitzel, Linton, Lord, Macdonald,  
Marion, Mason, Maurer, Miller B., Mitchell, Moser, Mosner,  
Murphy, Needle, penniman, Powers, Pullen, Ritter, Robey F.C.,  
Robie K.L., Rollins, Rosenstock, Schloeder, Sherbow, Sickles, Siewierski,  
Smith A.W., Sollins, Sosnowski, Soul, Storm, Taylor L.,  
Vecera, Wagandt, Wheatley, White.

Total - 61

Negative

Delegates -

Tawes, Clark J., Adkins, Armor, Bamberger, Barrick, Beall,  
Boileau, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Caldwell,  
Carson, Case, Cicone, Darby, Dorsey, Dulany, Fox, Frederick,  
Freedlander, Gilchrist, Gleason, Grant, Groh, Hanson, Harkness,  
Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett,  
Johnson, Kahl, Mentzer, Morgan, Mudd, Murray D.S., Murray E.C.,  
Neilson, Pascal, Rybczynski, Scanlan, Singer, Smith J.H.,  
Smith M.H., Stern, Sybert, Taylor H.E., Ulrich, Weidemeier,  
Willis, Willoner, Winslow.

Total - 57





Not Voting

Delegates -

James, Abramson, Anderson, Baumann, Bothe, Boyce, Bushong, Cardin, Cleveland, Della, Dukes, Finch, Gallagher, Hardwicke, Koss, Malkus, Miller, E.T., Neumann, Peters, Price, Raley, Rush, Schneider, Webb.

Total - 24

Delegate Johnson, duly seconded, moved to reconsider the vote by which Committee Recommendation GP-4 as amended was approved on Second Reading.

THIS MOTION WAS HELD OVER UNDER THE RULES. (Rule 54c)

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 9:45 p.m.

Consideration of Committee Recommendation R&P-2 resumed.

Amendment No. 3, to Committee Recommendation No. R&P-2 by Delegates Scanlan and Moser, from the floor The Amendment was duly seconded.

Strike out all of Section 3 Separation of Powers.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Clark, J., Adkins, Bamberger, Bard, Barrick, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Byrnes, Cardin, Carson, Case, Chabot, Clagett, Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hopkins, Jett, Key, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Morgan, Moser, Mosner, Needle, Neilson, Penniman, Powers, Raley, Robey, F.C., Robie, K.L., Rollins, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith, J.H., Sollins, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Willis, Willoner, Winslow.



## Negative

### Delegates -

Tawes, Anderson, Armor, Beachley, Bennett, Blair, Boyer, Burdette, Burgess, Buzzell, Caldwell, Child, Cicone, Clarke, E.J., Dorsey, Eckenrode, Frederick, Gill, Gleason, Grant, Groh, Harkness, Harris, Hickman, Hostetter, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Miller, B., Mitchell, Mudd, Murphy, Murray, D.S., Murray, E.C., Pullen, Ritter, Rosenstock, Siewierski, Smith A.W., Smith M.H., Sosnowski, Soul Vecera, Weidemeyer, Wheatley.

Total - 49

### Not Voting

### Delegates -

James, Abramson, Baumann, Beall, Boyles, Bushong, Cleveland, Dabrowski, Darby, Della, Dukes, Finch, Hardwicke, Hutchinson, Linton, Malkus, Miller, E.T., Neumann, Pascal, Peters, Price, Rush, Rybczynski, Schneider, Webb, White.

Total - 26

Amendment No. 4, Committee Recommendation No. R&P-2 by Delegates Scanlan and Moser from the floor. The Amendment was duly seconded.

### Strike out Section 4 Suspension of Laws.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates -

President, Tawes, Clark, J., Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Cicone, Clagett, Clarke, E.J., Dulany, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Kahl, Key, Kiefer, Kirkland, Koger, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Needle, Neilson, Penniman, Powers, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith A.W., Smith, J.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Ulrich, Wagandt, Wheatley, White, Willis, Willoner, Winslow.





Negative

Delegates -

Anderson, Boyer, Burdette, Burgess, Child, Dorsey, Eckenrode,  
Groh, Hostetter, Johnson, Kosakowski, Murray, E.C., Pullen, Ritter,  
Siewierski, Smith, M.H., Taylor, L., Weidemeyer.

Total - 18

Not Voting

Delegates -

James, Abramson, Baumann, Beall, Bushong, Cleveland, Dabrowski,  
Darby, Della, Dukes, Finch, Gleason, Grant, Hardwicke, Hutchinson, Koss,  
Linton, Malkus, Miller, E.T., Neumann, Pascal, Peters,  
Price, Rush, Schneider, Vecera, Webb.

Total - 27

Amendment No. 5, Committee Recommendation No. R&P-2 by Delegate  
Weidemeyer from the floor. The Amendment was duly seconded.

In Section 5 Limitation of Holding Office strike out all  
of lines 24 and 25 and insert in lieu thereof the  
following:

"positions of notary public and delegate to a  
constitutional convention shall not be considered  
offices of profit within the".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOW:

Affirmative

Delegates -

Beachley, Bennett, Blair, Boileau, Boyles, Burdette, Burgess,  
Child, Clagett, Dorsey, Eckenrode, Gilchrist, Groh, Grumbacher,  
Gullett, Harkness, Hickman, Hutchinson, Kiefer, Kosakowski, Linton,  
Murphy, Pascal, Penniman, Powers, Pullen, Ritter, Robie K.L., Rollins,  
Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Siewierski,  
Smith, J.H., Soul, Sybert, Vecera, Weidemeyer, Wheatley,  
White, Willis.

Total - 43

Negative

Delegates -

President, Clark, J., Adkins, Anderson, Bamberger, Bard, Bothe,  
Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Carson,  
Case, Chabot, Cicone, Dulany, Fornos, Fox, Frederick, Freedlander,  
Gallagher, Gill, Gleason, Grant, Hanson, Hargrove, Harris,  
Henderson, Hopkins, Jett, Johnson, Key, Koger, Koss, Leitzel,



Lord, Macdonald, Marion, Mason, Maurer, Miller, B., Mitchell,  
Morgan, Moser, Mosner, Mudd, Murray, D.S., Murray, E.C., Needle, Neilson,  
Smith A.W., Smith M.H., Raley, Robey, F.C., Sickles, Singer,  
Sollins, Sosnowski, Stern, Storm, Ulrich, Wagandt,  
Willoner, Winslow.

Total - 67

#### Not Voting

#### Delegates -

Tawes, James, Abramson, Armor, Barrick, Baumann, Beall, Borom,  
Boyer, Bushong, Clarke, E.J., Cleveland, Dabrowski, Darby,  
Della, Dukes, Finch, Hardwicke, Hostetter, Kahl, Kirkland,  
Malkus, Mentzer, Miller, E.T., Neumann, Peters, Price,  
Rush, Schneider, Taylor, H.E., Taylor, L., Webb.

Total - 32

Amendment No. 6, Committee Recommendation No. R&P-2 by Delegate Sickles from the floor. The Amendment was duly seconded.

In Section 5 Limitation of Holding Office strike out the period and the word "the" and all of lines 24, 25 and 26 and insert in lieu thereof the following words

" ,except as may be provided by law."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates -

President, Tawes, Clark, J., Bamberger, Bard, Beachley, Bennett,  
Blair, Bothe, Boyce, Bryson, Buzzell, Caldwell, Cardin, Chabot,  
Clagett, Clarke, E.J., Dulany, Eckenrode, Fox, Frederick,  
Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harkness,  
Harris, Henderson, Hickman, Hopkins, Hutchinson, Key, Kiefer,  
Kirkland, Linton Lord, Marion, Mason, Maurer, Mentzer, Miller, B.,  
Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S.,  
Needle, Neilson, Penniman, Powers, Pullen, Raley, Robey, F.C.,  
Robie, K.L., Rollins, Scanlan, Schloeder, Sherbow, Sickles,  
Siewierski, Singer, Smith, J.H., Stern, Storm, Taylor, L.,  
Ulrich, Wheatley, White, Willis, Willoner, Winslow.

Total - 75

#### Negative

#### Delegates -

Adkins, Anderson, Armor, Barrick, Boileau, Boyer, Boyles,  
Bradshaw, Burdette, Burgess, Byrnes, Carson, Case, Child,  
Dorsey, Fornos, Freedlander, Gallagher, Gilchrist, Gill, Groh,





Jett, Johnson, Koger, Kosakowski, Koss, Leitzel, Macdonald, Murray E.C.,  
Pascal, Ritter, Rosenstock, Rybczynski, Smith, M.H.,  
Sollins, Soul, Sybert, Vecera, Wagandt, Weidemeyer.  
Total - 40

Not Voting

Delegates -

James, Abramson, Baumann, Beall, Borom, Bushong, Cicone,  
Cleveland, Dabrowski, Darby, Della, Dukes, Finch, Hardwicke,  
Hostetter, Kahl, Malkus, Miller, E.T., Neumann,  
Peters, Price, Rush, Schneider, Smith A.W., Sosnowski, Taylor, H.E., Webb.

Total - 27.

Amendment No. 7, Committee Recommendation No. R&P-2, by Delegates  
Vecera and Ritter from the floor. The Amendment was duly seconded.

In Section 5 Limitation of Holding Office add the  
following new section:

"Section \_\_. Disqualification for Office.

No person who advocates the overthrow of the  
government of the United States or of the State  
through force or violence shall be eligible to  
hold any elective or appointive office or any other  
position of the State or of any county, municipal  
corporation, or political subdivision of the State."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS  
FOLLOWS:

Affirmative

Delegates -

Boyer, Burgess, Dorsey, Fornos, Frederick, Grant, Johnson, Kirkland,  
Kosakowski, Pullen, Ritter, Robie, K.L., Rybczynski, Siweierski,  
Vecera, Weidemeyer, Wheatley.

Total - 17

Negative

Delegates -

President, Tawes, Clark, J., Adkins, Armor, Bamberger, Bard,  
Arrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce,  
Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin,  
Carson, Case, Chabot, Child, Clagett, Dulany, Eckenrode, Fox,  
Frederick, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett,  
Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Hutchinson,  
Kieffer, Kiefer, Koger, Koss, Leitzel, Linton, Lord, Macdonald,  
Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan,  
Mosner, Mosner, Mudd, Murray, D.S., Murray E.C., Needle, Neilson,



Penniman, Powers, Raley, Robey F.C., Rollins, Rosenstock,  
Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith J.H.,  
Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert,  
Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total - 92

#### Not Voting

James, Abramson, Anderson, Baumann, Beall, Burdette, Bushong,  
Cicone, Clarke E.J., Cleveland, Dabrowski, Darby, Della, Dukes,  
Finch, Gallagher, Hardwicke, Hickman, Hostetter, Kahl, Key,  
Malkus, Miller E.T., Murphy, Neumann, Pascal,  
Peters, Price, Rush, Schneider, Smith A.W., Taylor H.E., Webb.

Total - 33

Delegate Powers, duly moved, that the Committee of the Whole rise  
and report to the Convention that the Committee has under  
consideration Committee Recommendation R&P-2 and desires to sit  
again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 10:47 p.m. the Convention resumed its session.

The President reported to the Convention that the Committee  
of the Whole has under consideration Committee Recommendation  
R&P-2 and desires to sit again on the matter.

At 10:50 p.m. on motion of Mr. Powers, duly seconded,  
the Convention adjourned until Thursday, December 14, 1967 at  
10:00 a.m.





CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland  
Thursday, December 14, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Reverend Donald B. Lowe,  
Bosley Methodist Church, Baltimore County.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins,  
Anderson, Armor, Bamberger, Bard, Barrick, Baumann,  
Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe,  
Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess,  
Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot,  
Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby,  
Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox,  
Frederick, Freedlander, Gallagher, Gilchrist, Gill,  
Gleason, Grant, Groh, Grumbacher, Gullett, Hanson,  
Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins,  
Hostetter, Hutchinson, Jett, Johnson, Kiefer, Kirkland,  
Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald,  
Malkus, Marion, Mason, Maurer, Mentzer, Miller B, Mitchell,  
Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C.,  
Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers,  
Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L.,  
Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder,  
Schneider, Sherbow, Sickles, Sierwierski, Singer, Smith A.W.,  
Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern,  
Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera,  
Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner,  
Winslow. Total--133

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda  
reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention  
resolve itself into a Committee of the Whole to consider the  
General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS' VOICE VOTE.



COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 10:14 A.M. Consideration of Committee Recommendation No. R&P-2 resumed.

Amendment No. 8, to Committee Recommendation No. R&P-2,  
By Delegate Kiefer, from the floor. The amendment was duly  
seconded.

Strike out all of Section 6, Adoption of Common Law.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Adkins, Armor, Bard, Beall,  
Bennett, Blair, Borom, Bothe, Boyer, Bradshaw, Bryson, Buzzell,  
Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett,  
Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Freedlander,  
Gilchrist, Gill, Grant, Groh, Grumabcher, Hanson, Hargrove,  
Harkness, Harris, Hickman, Hutchinson, Kiefer, Kirkland, Koger,  
Kosakowski, Leitzel, Macdonald, Marion, Mason, Maurer, Mentzer,  
Miller B., Morgan, Moser, Mosner, Mudd, Murray E.C., Needle,  
Neilson, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter,  
Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski,  
Scanlan, Schloeder, Singer, Smith A.W., Smith J.H., Smith M.H.,  
Sollins, Sosnowski, Soul, Ulrich, Wagandt, Weidemeyer, White,  
Willis. Total--86

Negative

Delegates--

Taylor L. Total--1

Not Voting

Delegates--

James, Abramson, Anderson, Bamberger, Barrick, Baumann, Beachley,  
Boileau, Boyce, Boyles, Burdette, Burgess, Bushong, Byrnes,  
Clarke E.J., Cleveland, Dabrowski, Darby, Della, Fornos,  
Frederick, Gallagher, Gleason, Gullett, Hardwicke, Henderson, Hopkins,  
Hostetter, James, Jett, Johnson, Kahl, Key, Koss, Linton, Lord, Malkus,  
Miller, E.T., Mitchell, Murphy, Murray D.S., Neumann, Pascal,  
Schneider, Sherbow, Sickles, Siewierski, Stern, Storm, Sybert,  
Taylor H.E., Vecera, Webb, Wheatley, Willoner, Winslow. Total--56





Amendment No. 9, to Committee Recommendation No. R&P-2, By Delegate Scanlan, from the floor. The amendment was duly seconded.

Strike out all of Section 7. Right to Sue State and Local Governments.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

President, Clark J., Abramson, Adkins, Bamberger, Bennett, Boyer, Bradshaw, Bryson, Cardin, Carson, Case, Cicone, Clagett, Darby, Fox, Freedlander, Gilchrist, Harkness, Henderson, Hickman, Hopkins, Lord, Marion, Mentzer, Morgan, Moser, Mudd, Neilson, Peters, Powers, Raley, Scanlan, Sherbow, Smith M.H., Sollins, Sybert, Winslow. Total-- 38

Negative

Delegates--

Anderson, Armor, Bard, Beachley, Beall, Blair, Boileau, Borom, Bothe, Burdette, Buzzell, Byrnes, Caldwell, Chabot, Child, Clarke E.J., Dorsey, Dukes, Dulany, Eckenrode, Finch, Gallagher, Gill, Grant, Groh, Hanson, Hargrove, Harris, Hostetter, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Malkus, Marion, Maurer, Miller B., Mitchell, Murray D.S., Murray E.C., Needle, Neumann, Penniman, Price, Pullen, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Singer, Smith A.W., Smith J.H., Sosnowski, Soul, Taylor H.E., Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willoner. Total--72

Not Voting

Delegates--

Tawes, James, Barrick, Baumann, Boyce, Boyles, Burgess, Bushong, Cleveland, Dabrowski, Della, Fornos, Frederick, Gleason, Grumbacher, Gullett, Hardwicke, Kahl, Key, Miller E.T., Mosner, Murphy, Pascal, Robey F.C., Sickles, Siewierski, Stern, Storm, Vecera, Webb, Wheatley, Willis. Total--32

At 11:00 A.M., Mr. James Clark took over the Chair as Chairman.

Amendment No. 10, to Committee Recommendation No. R&P-2, By Delegate Kiefer, from the floor. The amendment was duly seconded.



In Section 7 Right to Sue State and Local Governments strike out and insert in lieu thereof the following:

"The State, its instrumentalities and political subdivisions may be sued in the courts of the State to the extent and in the manner as may be provided by the General Assembly."

Amendment No. 10A, to Amendment No. 10, to Committee Recommendation No. R&P-2, By Delegate Clagett, from the floor. The amendment was duly seconded.

After the word "Assembly" add the words: "by public general laws".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

James, Adkins, Armor, Bard, Bennett, Borom, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Chabot, Child, Clagett, Clarke E.J., Darby, Dukes, Dulany, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Henderson, Hickman, Johnson, Kirkland, Linton, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Murray D.S., Needle, Powers, Robey F.C., Rosenstock, Smith M.H., Sollins, Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow.

Total--54

#### Negative

##### Delegates--

Tawes, Anderson, Bamberger, Barrick, Baumann, Beachley, Blair, Boileau, Bothe, Case, Cicone, Dorsey, Eckenrode, Finch, Groh, Hanson, Harris, Hopkins, Hutchinson, Jett, Kiefer, Koger, Kosakowski, Koss, Leitzel, Malkus, Mason, Moser, Mudd, Murray E.C., Neilson, Neumann, Penniman, Peters, Price, Pullen, Raley, Ritter, Rollins, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Smith A.W., Soul, Stern, Storm, Sybert, Taylor H.E., Vecera.

Total--52

#### Not Voting

##### Delegates--

President, Clark J., Abramson, Beall, Boyce, Boyer, Boyles, Burgess, Bushong, Carson, Cleveland, Dabrowski, Della, Fornos, Frederick, Gleason, Gullett, Hardwicke, Hargrove, Harkness, Hostetter, Kahl, Key, Lord, Miller E.T., Mosner, Murphy, Pascal, Robie K.L., Sickles, Siewierski, Singer, Smith J.H., Sosnowski, Webb, Wheatley.

Total--36





Amendment No. 10, to Committee Recommendation No. R&P-2, By Delegate Kiefer.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Adkins, Anderson, Bamberger, Clagett, Clarke E.J., Fox, Gilchrist, Henderson, Hickman, Hopkins, Mentzer, Mitchell, Morgan, Moser, Peters, Powers, Pullen, Raley, Rosenstock, Scanlan, Smith M.H., Sybert, Ulrich, Weidemeyer, Winslow. Total--25

Negative

Delegates--

James, Armor, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Frederick, Gallagher, Gill, Grant, Groh, Hanson, Hargrove, Harkness, Harris, Hostetter, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Miller B., Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Price, Ritter, Robey F.C., Robie K.L., Rollins, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Smith A.W., Soul, Stern, Storm, Taylor H.E., Taylor L., Vecera, Wagandt, White, Willis, Willoner. Total--85

Not Voting

Delegates--

President, Tawes, Clark J., Abramson, Boyce, Boyer, Boyles, Burgess, Bushong, Carson, Cleveland, Dabrowski, Della, Fornos, Freedlander, Gleason, Grumbacher, Gullett, Hardwicke, Kahl, Key, Miller E.T., Mosner, Pascal, Sickles, Siewierski, Singer, Smith J.H., Sollins, Sosnowski, Webb, Wheatley. Total--32

Amendment No. 11, to Committee Recommendation No. R&P-2, By Delegate Wagandt.

In Section 7 Right to Sue State and Local Governments in line 8 after the word "by" add the words "public general".

WITHDRAWN WITH PERMISSION OF THE COMMITTEE.

Amendment No. 11 was withdrawn.



Amendment No. 12, to Committee Recommendation No. R&P-2, By Delegate Scanlan, from the floor. The amendment was duly seconded.

Strike out all of Section 8, Right of Removal of Civil Cases.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Adkins, Armor, Bamberger, Barrick, Baumann, Beall, Bennett, Boileau, Bothe, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Cardin, Carson, Case, Cicone, Darby, Dulany, Fox, Frederick, Freedlander, Gallagher, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Jett, Koss, Leitzel, Marion, Mason, Maurer, Mentzer, Morgan, Moser, Mudd, Murray D.S., Murray E.C., Penniman, Peters, Powers, Raley, Rosenstock, Scanlan, Schneider, Sherbow, Sickles, Smith A.W., Smith M.H., Sybert, Ulrich, Wagandt, Willis, Winslow.  
Total--63

Negative

Delegates--

Abramson, Anderson, Beachley, Blair, Boyer, Burdette, Burgess, Caldwell, Chabot, Child, Clagett, Dorsey, Dukes, Eckenrode, Finch, Gilchrist, Gill, Grant, Groh, Hickman, Hostetter, Hutchinson, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Macdonald, Mitchell, Murphy, Needle, Neilson, Neumann, Pascal, Price, Pullen, Ritter, Robie K.L., Rollins, Rush, Rybczynski, Schloeder, Siewierski, Sollins, Sosnowski, Soul, Stern, Storm, Taylor H.E., Taylor L, Vecera, Weidemeyer, White, Willoner.  
Total--54

Not Voting

Delegates--

President, Bard, Borom, Boyles, Bushong, Clarke E.J., Cleveland, Dabrowski, Della, Fornos, Gleason, Hardwicke, Kahl, Key, Linton, Lord, Malkus, Miller B., Miller E.T., Mosner, Robey F.C., Singer, Smith J.H., Webb, Wheatley.  
Total--25





At 12:45 P.M., Mr. Eney returned to the Chamber and took over the Chair as Chairman.

Amendment No. 13, to Committee Recommendation No. R&P-2, By Delegate Kiefer, from the floor. The amendment was duly seconded.

On page 3, restore lines 11 and 12 and in line 14 insert the following:

"In all actions at law, a party after suggestion under oath in writing that he cannot have a fair and impartial trial in the court in which the action is pending, the court shall order the action removed to another district or county for trial. The Court of Appeals by rule or the General Assembly by law shall provide for reasonable regulation of this provision."

Amendment No. 13-A, offered as substitute for Amendment 13, to Committee Recommendation No. R&P-2, By Delegate Macdonald, from the floor. The amendment was duly seconded.

On page 3, in Section 8, Right of Removal of Civil Cases, strike out all of lines 14 through 20, inclusive, and insert in lieu thereof the following:

"In all actions at law or in equity, the action shall be removed to another county upon request of a party, except that in actions involving real property, actions in the District Court, and all actions where the request is made less than thirty days prior to trial, the action may be removed only as permitted by the Court of Appeals by rule."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Adkins, Bradshaw, Bryson, Burdette, Burgess, Caldwell, Carson, Chabot, Cicone, Dorsey, Dukes, Dulany, Eckenrode, Finch, Gallagher, Gill, Gleason, Grant, Grumbacher, Gullett, Hickman, Hopkins, Kirkland, Koger, Leitzel, Linton, Macdonald, Mañion, Mason, Maurer, Mentzer, Mitchell, Morgan, Moser, Murray D.S., Murray E.C., Neumann, Penniman, Powers, Robey F.C., Rybczynski, Sollins, Soul, Stern, Storm, Vecera, Wagandt, Weidemeyer, Wheatley, Winslow.

Total--51



## Negative

### Delegates --

Clark J., James, Abramson, Anderson, Bamberger, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Buzzell, Byrnes, Cardin, Case, Clagett, Clarke E. J., Dabrowski, Darby, Frederick, Freedlander, Gilchrist, Groh, Hanson, Hargrove, Harkness, Harris, Henderson, Hostetter, Hutchinson, Johnson, Kiefer, Kosakowski, Lord, Malkus, Miller B., Mudd, Murphy, Needle, Neilson, Pascal, Price, Pullen, Raley, Rollins, Rosenstock, Rush, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Sybert, Taylor H. E., Taylor L., White, Willis.

Total -- 63

### Not Voting

### Delegates --

Tawes, Armor, Bard, Beall, Boyer, Boyles, Bushong, Child, Cleveland, Della, Fornos, Fox, Hardwicke, Jett, Kahl, Key, Koss, Miller E. T., Mosner, Peters, Ritter, Robie K. L., Smith J. H., Smith M. H., Sosnowski, Ulrich, Webb, Willoner.

Total -- 28

Amendment No. 13-B, offered as a substitute to Amendment No. 13 to Committee Recommendation No. R&P-2, by Delegate Moser, from the floor. The amendment was duly seconded.

On page 3 strike out all of Section 8, comprising lines 11 through 20, inclusive; and insert in lieu thereof the following:

#### "Section 8. Right of Removal of Cases

The Court of Appeals by rule or the General Assembly by law shall provide for the right of removal of civil cases in the trial courts."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates --

Bamberger, Blair, Bothe, Bradshaw, Bryson, Burdette, Buzzell, Cardin, Carson, Chabot, Cicone, Clarke E. J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Johnson, Kirkland, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robey F. C., Rosenstock, Rush, Rybczynski, Scanlan,





Schloeder, Sickles, Siewierski, Singer, Smith A. W., Soul, Sybert, Wagandt, Wheatley, Winslow.

Total -- 73

#### Negative

#### Delegates --

Clark J., James, Abramson, Adkins, Anderson, Barrick, Baumann, Beachley, Bennett, Boileau, Borom, Boyce, Burgess, Byrnes, Caldwell, Case, Clagett, Frederick, Freedlander, Gallagher, Hanson, Hostetter, Hutchinson, Kiefer, Kosakowski, Malkus, Price, Rollins, Schneider, Sherbow, Sollins, Sosnowski, Stern, Storm, Taylor H. E., Taylor L., Vecera, Weidemeyer, Willis, Willoner.

Total -- 40

#### Not Voting

#### Delegates --

President, Tawes, Armor, Bard, Beall, Boyer, Boyles, Bushong, Child, Cleveland, Della, Fornos, Fox, Grumbacher, Hardwicke, Jett, Kahl, Key, Miller E. T., Mosner, Peters, Pullen, Ritter, Robie, K. L. Smith J. H., Smith M. H., Ulrich, Webb, White.

Total -- 29

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation No. R&P-2 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:28 o'clock P. M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has not concluded its consideration of Committee Recommendation No. R&P-2 and desires to sit again on the matter.

At 1:30 o'clock P. M., on motion of Mr. Powers the Convention took a recess until 2:30 o'clock P. M.

At 2:30 o'clock P. M., the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Eurdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J.,



Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Hanson, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 132

# MEMORANDUM

President Eney announced that pursuant to the provisions of Convention Rule 76 the following absences of delegates have been excused.

<u>DELEGATE</u>	<u>DATE</u>	<u>EXCUSE</u>
Bushong	12/4, 12/5, 12/6, 12/7, 12/8, 12/9, 12/11, 12/12	Illness
Cicone	12/2, 12/4, 12/5, 12/6	Illness
Cleveland	11/29, 11/30, 12/1, 12/2 12/4, 12/5, 12/6, 12/7, 12/8, 12/9, 12/11, 12/12	Illness
Gullett	12/2	Discussion of Local Government Article at Maryland Municipal League Meeting
Key	12/4	Illness
Miller, E. T.	11/30, 12/1, 12/2, 12/4, 12/5, 12/6, 12/7, 12/8, 12/9, 12/11, 12/12	Illness
Mudd	12/11	Illness
Smith, A. W.	12/1, 12/2	Death in Immediate Family

WHICH WAS READ.





Debate Schedule No. 12

For Debate of Committee Recommendations Nos. GP-5, GP-6,  
GP-7, GP-8, GP-9, GP-10 and GP-11

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There will be no general debate. Each Committee Recommendation will be presented separately. After presentation of each Committee Recommendation and of the Minority Report, it will be open to debate and amendment, section-by-section. No speech shall exceed three (3) minutes, except otherwise provided.

Presentation by sponsor of amendments limited to ten (10) minutes, including time yielded in answering questions.

Note: Speeches alternate between sides.

ON MOTION OF DELEGATE POWERS, DULY SECONDED, THE ABOVE DEBATE SCHEDULE NO. 12 WAS ADOPTED.

Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided. 2:40 o'clock P. M.

Consideration of Committee Recommendation No. R&P-2 resumed.

Amendment No. 13-C, offered as a substitute for Amendment No. 13 to Committee Recommendation No. R&P-2, by Delegate Moser, from the floor. The amendment was duly seconded.

Insert the following, beginning in line 11:

"Section 8. Right of Removal of Civil Cases.

In the trial of civil cases, there shall be a right of removal to the extent and under such terms and conditions as shall be prescribed by the Court of Appeals by rule or the General Assembly by law."

Delegate Moser moved, duly seconded, to substitute above Amendment No. 13-C for Amendment No. 13-B already adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Barrick, Baumann, Beall, Bennett, Boyce, Bradshaw, Bryson, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Cicone, Clarke E. J., Darby, Dulany, Eckenrode, Fornos, Gallagher, Gilchrist, Hanson, Hardwicke, Harkness, Harris, Henderson, Hopkins, Hostetter, Jett, Kiefer, Koger, Lord, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Pascal, Penniman, Powers, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Sybert, Wagandt, Willis, Willoner, Winslow.

Total -- 77

## Negative

### Delegates --

Anderson, Beachley, Blair, Boileau, Borom, Bothe, Boyer, Burdette, Child, Dabrowski, Dorsey, Dukes, Finch, Frederick, Freedlander, Gill, Gleason, Grant, Groh, Hickman, Hutchinson, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Linton, Macdonald, Mitchell, Murray E. C., Needle, Neilson, Neumann, Peters, Ritter, Rush, Rybczynski, Smith A. W., Sosnowski, Soul, Stern, Storm, Taylor H. E., Taylor L., Vecera, Weidemeyer, Wheatley, White.

Total -- 50

## Not Voting

### Delegates --

Bard, Boyles, Bushong, Clagett, Cleveland, Della, Fox, Grumbacher, Gullett, Hargrove, Malkus, Miller E.T., Price, Ulrich, Webb.

Total -- 15

Amendment No. 13 to Committee Recommendation No. R&P-2, by Delegate Kiefer.

AMENDMENT NO. 13 WAS READ AND REJECTED AS AMENDED BY AMENDMENT NO. 13-C BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates --

Beachley, Bennett, Burdette, Burgess, Buzzell, Caldwell, Chabot, Cicone, Eckenrode, Gill, Gleason, Grant, Groh, Henderson, Hopkins, Hostetter, Hutchinson, Kiefer, Kirkland, Macdonald, Maurer, Miller E., Mitchell, Moser, Mosner, Mudd, Murray D. S., Pascal, Penniman, Powers, Pullen, Raley, Rosenstock, Rush,





Rybczynski, Schloeder, Schneider, Siewierski, Singer, Smith J. H.,  
Sollins, Sybert, Vecera, Willoner.

Total -- 44

### Negative

#### Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,  
Armor, Bamberger, Barrick, Baumann, Beall, Blair, Boileau,  
Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Byrnes, Cardin,  
Carson, Case, Clagett, Dabrowski, Darby, Dorsey, Dukes, Dulany,  
Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist,  
Hanson, Hardwicke, Harkness, Harris, Hickman, Jett, Johnson,  
Kahl, Key, Koger, Kosakowski, Leitzel, Linton, Lord, Marion, Mason,  
Mentzer, Morgan, Murphy, Murray E. C., Needle, Neilson, Peters,  
Ritter, Robey F. C., Robie K. L., Rollins, Scanlan, Sherbow, Sickles,  
Smith, A. W. Smith M. H., Sosnowski, Soul, Stern, Storm, Taylor H. E.,  
Taylor L., Wagandt, Weidemeyer, Wheatley, White, Willis,  
Winslow.

Total -- 80

### Not Voting

#### Delegates --

Bard, Boyles, Bushong, Child, Clarke E. J., Cleveland, Della,  
Fox, Grumbacher, Gullett, Hargrove, Koss, Malkus, Miller E. T.,  
Neumann, Price, Ulrich, Webb.

Total -- 18

Amendment No. 14, to Committee Recommendation No. R&P-2, by  
Delegate Kiefer, from the floor. The Amendment was duly seconded.

Strike out all of Section 9 Economic Opportunity and insert  
in lieu thereof the following:

#### "Section 9. General Welfare of the People

It is the policy of the State that all persons shall have  
economic security and the opportunity for employment, in order  
that they may live in decency, dignity, and health. The General  
Assembly shall continue to implement this policy."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:



## Affirmative

### Delegates --

President, Tawes, Clark J., James, Armor, Bamberger, Barrick, Baumann, Beachley, Beall, Bennett, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Frederick, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Hanson, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Needle, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rybczynski, Schloeder, Sickles, Singer, Smith A. W., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Wagandt, Weidemeyer, White, Willis, Winslow.

Total -- 97

## Negative

### Delegates --

Anderson, Cicone, Clagett, Clarke E. J., Hardwicke, Kahl, Murray D. S., Murray E. C., Rush, Schneider, Sherbow, Siewierski, Smith J. H.

Total -- 13

## Not Voting

### Delegate --

Abramson, Adkins, Bard, Blair, Boileau, Boyles, Bushong, Cleveland, Della, Dukes, Fornos, Fox, Freedlander, Grumbacher, Gullett, Hargrove, Harkness, Harris, Hutchinson, Koger, Lord, Miller E. T., Neilson, Pascal, Price, Scanlan, Sosnowski, Ulrich, Vecera, Webb, Wheatley, Willoner.

Total -- 32

At 3:50 o'clock P. M., Mr. James replaced Mr. Eney as chairman.

Amendment No. 15, to Committee Recommendation No. R&P-2, by Delegate Scanlan, from the floor. The Amendment was duly seconded.

Strike out all of Section 9 Economic Opportunity as amended by Amendment No. 14.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates --

Clark J., James, Adkins, Anderson, Armor, Barrick, Baumann, Beall, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Cardin, Case, Child, Cicone, Clagett, Clarke E. J., Darby, Dulany, Fornos, Gilchrist, Gleason, Groh, Hanson, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Koger, Litzel, Macdonald, Malkus, Marion, Maurer, Mentzer, Moser, Mudd, Murray D. S., Murray E. C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Robie K. L., Rollins, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Siewierski, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Soul, Stern, Sybert, Taylor H. E., Weidemeyer, Willis, Winslow.

Total -- 72

## Negative

### Delegates --

Bamberger, Beachley, Bennett, Boileau, Borom, Burgess, Byrnes, Caldwell, Carson, Chabot, Dabrowski, Dorsey, Dukes, Eckenrode, Frederick, Gallagher, Gill, Grant, Hardwicke, Key, Kiefer, Kirkland, Kosakowski, Mason, Miller B., Mitchell, Morgan, Mosner, Murphy, Needle, Pullen, Raley, Rosenstock, Schloeder, Sickles, Singer, Sollins, Storm, Taylor L., Vecera, White.

Total -- 41

## Not Voting

### Delegates --

President, Tawes, Abramson, Bard, Blair, Bothe, Boyer, Bushong, Cleveland, Della, Finch, Fox, Freedlander, Grumbacher, Gullett, Hargrove, Harris, Koss, Linton, Lord, Miller E. T., Price, Ritter, Robey F. C., Ulrich, Wagandt, Webb, Wheatley, Willoner.

Total -- 29

At 4:25 o'clock P. M., a quorum call was taken which resulted as follows:

Clark J., James, Adkins, Bard, Barrick, Baumann, Beachley, Beall, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Brynes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Dabrowski, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Hanson, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Kahl, Key, Kiefer, Koger, Kosakowski, Koss, Litzel, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski,



Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Ulrich, Vecera, Wagandt, Weidemeyer, Willis, Willoner, Winslow.

Total -- 102

Amendment No. 16, to Committee Recommendation No. R&P-2, by Deleages Bothe, Bennett, Bamberger, Bradshaw, Byrnes, Dulany, Gallagher, Hanson, Henderson, Hopkins, Johnson, Koss, Lord, Macdonald, Marion, Morgan, Moser, Mosner, Powers, Scanlan, Schneider, Sherbow, Winslow, from the floor. The Amendment was duly seconded.

Strike out all of Section 10 Criminal Jury, Judge of Law and Fact.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., James, Armor, Bamberger, Barrick, Bennett, Boileau, Bothe, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Cicone, Clagett, Clarke E. J., Dulany, Fornos, Freedlander, Gilchrist, Gill, Gleason, Grant, Hanson, Hardwicke, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D. S., Needle, Powers, Pullen, Raley, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Sollins, Wagandt, Winslow.

Total -- 68

Negative

Delegates --

Adkins, Anderson, Beachley, Borom, Boyer, Burdette, Burgess, Caldwell, Child, Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Groh, Harkness, Hutchinson, Kirkland, Kosakowski, Malkus, Mitchell, Murray E. C., Neilson, Pascal, Penniman, Peters, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Siewierski, Smith M. H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Ulrich, Weidemeyer, White, Willis, Willoner.

Total -- 46





## Not Voting

### Delegates --

President, Tawes, Abramson, Bard, Baumann, Beall, Blair, Boyce, Bushong, Cleveland, Della, Finch, Fox, Frederick, Gallagher, Grumbacher, Gullett, Hargrove, Koger, Leitzel, Miller E. T., Murphy, Neumann, Price, Taylor H. E., Vecera, Webb, Wheatley.

Total -- 28

At 5:40 o'clock P. M., Mr. Eney returned to the Chamber and took over the chair as Chairman.

Amendment No. 17, to Committee Recommendation No. R&P-2, by Delegates Bothe, Willoner and Henderson from the floor. The Amendment was duly seconded.

Strike out all of Section 11 Grand Jury Indictment as a Right of the Accused.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates --

President, James, Bamberger, Bennett, Boileau, Borom, Bothe, Boyer, Bradshaw, Bryson, Byrnes, Caldwell, Cardin, Case, Cicone, Clagett, Clarke E. J., Dulany, Freedlander, Gallagher, Gilchrist, Hanson, Hardwicke, Harkness, Henderson, Hopkins, Linton, Lord, Macdonald, Marion, Mason, Mentzer, Miller B., Morgan, Mudd, Penniman, Powers, Robey F. C., Scanlan, Schloeder, Siewierski, Singer, Smith J. H., Sollins, Stern, Sybert, Willis, Willoner, Winslow.

Total -- 49

### Negative

### Delegates --

Tawes, Clark J., Barrick, Beachley, Boyles, Burdette, Buzzell, Carson, Chabot, Child, Darby, Dorsey, Dukes, Eckenrode, Finch, Gill, Grant, Groh, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Malkus, Mitchell, Moser, Mosner, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Peters, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Sickles, Smith M. H., Soul, Storm, Taylor L., Ulrich, Wagandt, Weidemeyer, White.

Total -- 60



## Not Voting

Delegates --

Abramson, Adkins, Anderson, Armor, Bard, Baumann, Beall, Blair, Boyce, Burgess, Bushong, Cleveland, Dabrowski, Della, Fornos, Fox, Frederick, Gleason, Grumbacher, Gullett, Hargrove, Harris, Koger, Maurer, Miller E. T., Murphy, Price, Smith A. W., Sosnowski, Taylor HE, Vecera, Webb, Wheatley.

Total -- 33

Amendment No. 18, to Committee Recommendation No. R&P-2, by Delegates Carson and Hardwicke from the floor. The Amendment was duly seconded.

In Section 11 Grand Jury Indictment as a Right of the Accused strike out and insert in lieu thereof the following:

"No person shall be held to answer for a felony unless on indictment of a grand jury, except in cases arising in the militia while in actual service."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Barrick, Beachley, Boileau, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Brynes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Darby, Dorsey, Dukes, Eckenrode, Finch, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hanson, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow.

Total -- 102

### Negative

Delegates --

Damberger, Lord.

Total -- 2





Not Voting

Delegates --

Adkins, Anderson, Armor, Bard, Baumann, Beall, Bennett, Blair, Borom, Boyce, Burgess, Bushong, Cleveland, Dabrowski, Della, Dulany, Fornos, Fox, Frederick, Gleason, Grumbacher, Gullett, Hargrove, Harris, Johnson, Koger, Miller E. T., Murphy, Price, Pullen, Ritter, Siewierski, Singer, Sosnowski, Taylor H. E., Vecera, Webb, Wheatley.

Total -- 38

Amendment No. 19, to Committee Recommendation No. R&P-2, by Delegates Kiefer and Willoner from the floor. The Amendment was duly seconded.

In Section 12 Right of Removal of Criminal Cases strike out and insert in lieu thereof the following:

"In cases punishable by death or life imprisonment after suggestion under oath in writing of either of the parties that such party cannot have a fair and impartial trial in the court where the case may be pending, that court shall order the case removed to another county for trial. All other criminal cases may be removed only as permitted by the Court of Appeals by rule or the General Assembly by law."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., Abramson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Bothe, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hanson, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Maurer, Mitchell, Morgan, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Storm, Sybert, Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow.

Total -- 99



Negative

Delegates --

Boyles, Hardwicke, Marion, Mason, Miller B., Stern, Taylor L.

Total -- 7

Not Voting

Delegates --

James, Adkins, Anderson, Baumann, Blair, Borom, Boyce, Burgess, Bushong, Cleveland, Dabrowski, Della, Fornos, Fox, Frederick, Gleason, Grumbacher, Gullett, Hargrove, Harris, Johnson, Key, Koger, Malkus, Mentzer, Miller E. T., Moser, Murphy, Pascal, Price, Schloeder, Sosnowski, Taylor H. E., Vecera, Webb, Wheatley.

Total -- 36

Amendment No. 20, to Committee Recommendation No. R&P-2, by Delegate Scanlan, from the floor. The Amendment was duly seconded.

Strike out all of Section 13 Imprisonment for Debt.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Bennett, Bradshaw, Carson, Clagett, Darby, Freedlander, Grant, Hardwicke, Henderson, Linton, Lord, Marion, Maurer, Mentzer, Mudd, Raley, Scanlan.

Total -- 17

Negative

Delegates --

Tawes, Clark J., James, Abramson, Armor, Damberger, Bard, Barrick, Beachley, Beall, Boileau, Bothe, Boyer, Boyles, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Clarke E. J., Dorsey, Dulany, Eckenrode, Finch, Gallagher, Gilchrist, Gill, Groh, Hanson, Harkness, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Macdonald, Miller B., Mitchell, Morgan, Moser, Mosner, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor L., Ulrich, Weidemeyer, White, Willis, Willoner.





## Not Voting

### Delegates --

President, Adkins, Anderson, Baumann, Blair, Borom, Boyce, Burgess, Bushong, Cleveland, Dabrowski, Della, Dukes, Fornos, Fox, Frederick, Gleason, Grumbacher, Gullett, Hargrove, Harris, Hutchinson, Key, Koger, Malkus, Mason, Miller E. T., Murphy, Pascal, Price, Sosnowski, Taylor H. E., Vecera, Wagandt, Webb, Wheatley, Winslow.

Total -- 37

Amendment No. 21, to Committee Recommendation No. R&P-2, by Delegate Gallagher from the floor. The Amendment was duly seconded.

Add the following new Section:

### "Section 14. Legislative and Executive Investigations

No person's right to fair and just treatment in the course of legislative or executive investigations shall be infringed."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates --

President, Tawes, Clark J., James, Abramson, Anderson, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Darby, Dorsey, Dulany, Eckenrode, Finch, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hanson, Hardwicke, Harkness, Henderson, Hopkins, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith M. H., Sollins, Soul, Stern, Storm, Taylor L., White, Willis, Willoner, Winslow.

Total -- 92

### Negative

### Delegates --

Hickman, Jett, Johnson, Kahl, Raley, Ritter, Schneider, Smith J. H., Sybert, Ulrich, Wagandt, Weidemeyer.



Not Voting

Delegates --

Adkins, Armor, Baumann, Blair, Borom, Boyce, Burgess, Bushong, Cardin, Carson, Cleveland, Dabrowski, Della, Dukes, Fornos, Fox, Frederick, Gleason, Grumbacher, Gullett, Hargrove, Harris, Hostetter, Hutchinson, Key, Koger, Malkus, Miller E. T., Mosner, Murphy, Pascal, Price, Smith A. W., Sosnowski, Taylor H. E., Vecera, Webb, Wheatley.

Total -- 38

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that Committee of the Whole has under consideration Committee Recommendation No. R&P-2.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 7:04 o'clock P. M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. R&P-2 and desires to sit again on the matter.

At 7:06 o'clock P. M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Friday, December 15, 1967, at 10:00 o'clock A. M.





CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Md., Fri., Dec. 15, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. Paul H., Smith, St. John's Lutheran Church of Parkville, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frderick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Gullett, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--129

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved that the calendar be amended to allow consideration of Committee Recommendation No. R&P-2 to resume and to put consideration of GP-6, Education, ahead of consideration of GP-5 - Federal Enclaves - and that the calendar be adopted as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 10:15 A.M. Consideration of Committee Recommendation R&P-2 resumed.



Amendment No. 22, to Committee Recommendation No. R&P-2, By Delegates Macdonald, Case, Clagett, Kiefer, Wagandt, and Willoner, from the floor. The amendment was duly seconded.

In Section 7. Right to Sue State and Local Governments after the period add this new sentence:

"Any law enacted by the General Assembly pursuant to this section shall be a public general law."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Beachley, Bennett, Blair, Borom, Bothe, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Freedlander, Gallagher, Gilchrist, Gill, Groh, Gullett, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie K.L., Rollins, Rush, Rybczynski, Schloeder, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--102

Negative

Delegates--

Boileau, Burdette, Fox, Hardwicke, Schneider. Total--5

Not Voting

Delegates--

Anderson, Barrick, Baumann, Beall, Boyce, Boyer, Boyles, Burgess, Bushong, Cardin, Cleveland, Della, Finch, Frederick, Gleason, Grant, Grumbacher, Hanson, Hargrove, Kahl, Key, Koger, Malkus, Miller E.T., Murphy, Pascal, Robey F.C., Rosenstock, Scanlan, Sherbow, Sickles, Siewierski, Sollins, Vecera, Wheatley.

Total--35

Amendment No. 23, to Committee Recommendation No. R&P-2, By Delegates Morgan, E.J. Clarke, Bamberger, Kiefer, Mitchell, Gallagher, Hopkins, Bennett, and L. Taylor. The amendment was duly seconded.





Immediately preceding Section 10 Criminal Jury, Judge of Law and Fact add the following new Section:

"Section \_\_\_\_ . General Welfare of the People.

It is the policy of the State to promote the general welfare by fostering, among other things, wherever practicable, opportunity for employment for all persons in order that they shall have economic security and may live in decency, dignity, and health."

The Chairman put the question to the Committee;  
Shall Amendment No. 23 be considered in light of the fact that Amendment No. 14 has been considered?

THE QUESTION FAILED BY ROLL CALL VOTE AS FOLLOWS, AND  
AMENDMENT NO. 23 WAS NOT CONSIDERED:

Affirmative

Delegates--

Bamberger, Bard, Beachley, Bennett, Blair, Boileau, Borom, Burdette, Byrnes, Chabot, Clarke E.J., Dabrowski, Dukes, Gallagher, Gill, Gullett, Hardwicke, Harris, Hopkins, Key, Kiefer, Kirkland, Kosakowski, Koss, Lord, Marion, Mason, Maurer, Miller, B., Mitchell, Morgan, Mudd, Needle, Pullen, Raley, Ritter, Rosenstock, Schloeder, Singer, Sollins, Stern, Storm, Sybert, Taylor H.E., Taylor L., White. Total--46

Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Baumann, Bradshaw, Bryson, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clagett, Darby, Dorsey, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gilchrist, Groh, Harkness, Henderson, Hickman, Hutchinson, Jett, Johnson, Litzel, Linton, Macdonald, Mentzer, Mosner, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Powers, Price, Robie K.L., Rollins, Rush, Rybczynski, Schneider, Sherbow, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Ulrich, Webb, Weidemeyer, Willis, Winslow. Total--61

Not Voting

Delegates--

Anderson, Barrick, Beall, Bothe, Boyce, Boyer, Boyles, Burgess, Bushong, Cardin, Cleveland, Della, Finch, Frederick, Gleason, Grant, Grumbacher, Hanson, Hargrove, Hostetter, Kahl, Koger, Malkus, Miller E.T., Moser, Murphy, Pascal, Robey F.C., Scanlan, Sickles, Siewierski, Vecera, Wagandt, Wheatley, Willoner. Total--35



At 10:45 A.M. Mr. James took over the chair as Chairman.

Mr. Willoner, from the Committee on Personal Rights and the Preamble reported Minority Report No. R&P-1(C), By Delegates Beachley, Bothe, Burgess, Child, Dabrowski, Groh, Hardwicke, Kosakowski, Mitchell, Murray, Price, Taylor, Weidemeyer, and Willoner, of the Committee on Personal Rights and the Preamble. This Minority Report relates to Committee Recommendation No. R&P-1.

A MINORITY REPORT that the Declaration of Rights contain an article entitled "Freedom of Information".

\* \* \*

#### COMMENTS:

At the present time, there is no comprehensive law in Maryland that would prevent officials from shrouding in secrecy deliberations, decisions and records that properly should be fully available to all the people. It is the judgement of the signers of this Report that the Constitution should enunciate this right to freedom of information; while also acknowledging the responsibility of the General Assembly to restrict it so as to avoid injury to legitimate private as well as public interests.

This provision requires disclosure to be the general rule, not the exception; it provides that all persons have equal rights of access; it places the burden on the government--state and local--to justify excluding the public from meetings and proceedings or withholding documents, not on the person requesting access; and it mandates a significant change in governmental policy. The right of the people to information about their government is expressly stated.

The right to information extends to the legislative, executive and judicial branches of government. It affects administrative agencies, public authorities and governmental instrumentalities as well. The right to notice of proceedings and meetings will require the appropriate official or body to announce to the public, in a reasonable manner and at a time reasonably in advance, that the proceeding or meeting will be held at some specified time and place. The General Assembly will be able to prescribe a detailed implementation of these constitutional commands, as well as appropriate exceptions.

\* \* \*

The signers of this Report recommend that the schedule of transitory legislation provide that this provision not become effective until July 4, 1970 so as to provide the General Assembly ample opportunity to enact appropriate legislation.

At 11:10 A.M. Mr. Eney returned to the chamber and replaced Mr. James as Chairman of the Committee.





Amendment No. 24, to accompany Minority Report No. R&P-1(C), to Committee Recommendation No. R&P-2, By Delegates Beachley, Bothe, Burgess, Child, Dabrowski, Groh, Hardwicke, Kosakowski, Mitchell, C. Murray, Price, Taylor, Weidemeyer, and Willoner, from the floor. The amendment was duly seconded.

Following Section 14, added by Amendment No. 21, add the following new Section:

"Section \_\_\_\_\_. Freedom of Information

All governmental proceedings, meetings, and records shall be open to the people and prior notice of such proceedings or meetings shall be provided, except as otherwise prescribed by public general law."

Amendment No. 24A, offered as substitute for Amendment No. 24, to Committee Recommendation No. R&P-2, By Delegate Kiefer, from the floor. The amendment was duly seconded.

Following Section 14 added by Amendment No. 21, add this new section:

Section \_\_\_\_\_. Right to Know

The people shall have the right to know how their government operates and all records of executive and administrative bodies shall be available for inspection by any person to the extent and in the manner provided by the General Assembly."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Baumann, Beachley, Bennett, Blair, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Cicone, Clagett, Dorsey, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gilchrist, Harkness, Henderson, Jett, Kahl, Kiefer, Leitzel, Lord, Marion, Mason, Morgan, Moser, Mosner, Mudd, Murray D.S., Penniman, Peters, Powers, Price, Raley, Robie K.L., Rollins, Smith A.W., Smith J.H., Smith M.H., Sybert, Taylor H.E., Weidemeyer, Winslow. Total--56

Negative

Delegates--

Bard, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Chabot, Child, Clarke E.J., Dabrowski, Darby, Dukes, Fornos, Gallagher, Gill, Grant, Groh, Gullett, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kirkland, Koger, Kosakowski, Koss, Macdonald, Maurer, Mentzer, Miller B., Mitchell, Murphy,



Murray E.C., Needle, Neilson, Pullen, Ritter, Robey F.C.,  
Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow,  
Sickles, Singer, Sollins, Soul, Stern, Storm, Taylor L.,  
Ulrich, Vecera, Wagandt, Webb, White, Willis, Willoner.

Total--61

#### Not Voting

#### Delegates--

President, Clark J., Barrick, Beall, Boyles, Burgess, Bushong,  
Cleveland, Della, Finch, Gleason, Grumbacher, Hanson, Hardwicke,  
Hargrove, Key, Linton, Malkus, Miller E.T., Neumann, Pascal,  
Scanlan, Siewierski, Sosnowski, Wheatley.

Total--25

#### Amendment No. 24.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

#### Affirmative

#### Delegates--

Beachley, Boileau, Borom, Bothe, Boyer, Byrnes, Chabot, Child,  
Clarke E.J., Dabrowski, Dukes, Fornos, Gallagher, Gill, Grant,  
Groh, Gullett, Hardwicke, Harris, Hickman, Hopkins, Hostetter,  
Hutchinson, Kirkland, Koger, Kosakowski, Koss, Macdonald,  
Maurer, Mentzer, Miller B., Mitchell, Murphy, Murray E.C.,  
Needle, Neilson, Neumann, Price, Pullen, Raley, Ritter,  
Robey F.C., Rush, Rybczynski, Schloeder, Schneider, Sherbow,  
Sickles, Singer, Smith A.W., Sollins, Soul, Stern, Taylor L.,  
Wagandt, Webb, White, Willoner.

Total--58

#### Negative

#### Delegates--

President, Tawes, James, Abramson, Adkins, Anderson, Armor,  
Bamberger, Bard, Baumann, Bennett, Blair, Boyce, Bradshaw,  
Bryson, Burdette, Buzzell, Caldwell, Cardin, Carson, Case,  
Cicone, Clagett, Darby, Dorsey, Dulany, Eckenrode, Fox,  
Frederick, Freedlander, Gilchrist, Harkness, Henderson, Jett,  
Johnson, Kahl, Kiefer, Leitzel, Linton, Lord, Marion, Mason,  
Morgan, Moser, Mosner, Mudd, Murray D.S., Penniman, Peters,  
Powers, Robie K.L., Rollins, Rosenstock, Smith J.H., Smith M.H.,  
Storm, Sybert, Taylor H.E., Ulrich, Vecera, Weidemeyer, Willis,  
Winslow.

Total--63

#### Not Voting

#### Delegates--

Clark J., Barrick, Beall, Boyles, Burgess, Bushong, Cleveland,  
Della, Finch, Gleason, Grumbacher, Hanson, Hargrove, Key,  
Malkus, Miller E.T., Pascal, Scanlan, Siewierski, Sosnowski,  
Wheatley.

Total--21





Amendment No. 25, to Committee Recommendation No. R&P-2, By Delegates Weidemeyer, Blair, Boyer, Chabot, Dabrowski, Darby, Dorsey, Caldwell, Gleason, Grant, Groh, Hickman, Hostetter, Hutchinson, Johnson, Kiefer, Kirkland, Kosakowski, Macdonald, Neilson, Pascal, Ritter, Rush, Rybczynski, Sosnowski, Soul, Stern, Storm, H.Taylor, L.Taylor, Vecera, and Willoner, from the floor. The amendment was duly seconded.

Immediately preceding Section 12 Right of Removal of Criminal Cases, add this new section:

"Section \_\_\_\_ . Right of Removal of Civil Cases.

All cases at law exceeding the jurisdictional amount prescribed by law and all cases in equity shall be removed upon the filing within a reasonable time prior to trial as provided by law or by the Court of Appeals by rule of a suggestion, under oath, by a party to the case stating that he cannot have a fair and impartial trial where the case is pending. This right shall not apply to condemnation and domestic relations cases."

Amendment No. 25A, to Amendment No. 25, to Committee Recommendation No. R&P-2, By Delegate Clagett, from the floor. The amendment was duly seconded.

Strike out the following words: "and all cases in equity".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, James, Anderson, Armor, Bamberger, Beachley, Blair, Boileau, Boyer, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Gallagher, Groh, Harkness, Harris, Henderson, Hopkins, Hostetter, Jett, Kiefer, Kirkland, Linton, Mason, Maurer, Mentzer, Moser, Mosner, Mudd, Murphy, Murray D.S., Penniman, Powers, Pullen, Robey K.L., Rollins, Rosenstock, Rush, Sherbow, Sickles, Singer, Smith J.H., Smith M.H., Storm, Sybert, Ulrich, Weidemeyer, Willis, Winslow.

Total--61

Negative

Delegates--

Tawes, Adkins, Baumann, Bothe, Boyce, Bradshaw, Bryson, Burdette, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Grant, Gullett, Hardwicke, Hickman, Hutchinson,



Johnson, Kahl, Koger, Kosakowski, Koss, Leitzel, Lord,  
Macdonald, Marion, Miller B., Mitchell, Morgan, Murray E.C.,  
Needle, Neilson, Neumann, Peters, Price, Raley, Ritter,  
Robey F.C., Rybczynski, Scanlan, Schneider, Smith A.W., Sollins,  
Sosnowski, Soul, Stern, Taylor H.E., Vecera, Webb, White,  
Willoner. Total--55

#### Not Voting

#### Delegates--

Clark J., Abramson, Bard, Barrick, Beall, Bennett, Borom,  
Boyles, Burgess, Bushong, Cleveland, Della, Dukes, Gleason,  
Grumbacher, Hanson, Hargrove, Key, Malkus, Miller E.T., Pascal,  
Schloeder, Siewierski, Taylor L., Wagandt, Wheatley. Total--26

AMENDMENT NO. 25 AS AMENDED BY AMENDMENT NO. 25A WAS  
REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates--

Anderson, Beachley, Blair, Boyer, Burdette, Caldwell, Chabot,  
Child, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Frederick,  
Groh, Gullett, Harkness, Harris, Hickman, Hostetter, Hutchinson,  
Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Macdonald,  
Murphy, Needle, Neilson, Neumann, Price, Pullen, Robie K.L.,  
Rollins, Rosenstock, Rush, Rybczynski, Soul, Stern. Storm,  
Smith A.W., Smith J.H., Sosnowski,  
Taylor H.E., Vecera, Webb, Weidemeyer, Willoner. Total--50

#### Negative

#### Delegates--

President, Tawes, James, Abramson, Adkins, Armor, Bamberger,  
Baumann, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw,  
Bryson, Buzzell, Byrnes, Cardin, Carson, Case, Cicone, Dulany,  
Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist,  
Gill, Grant, Hardwicke, Henderson, Hopkins, Jett, Leitzel,  
Linton, Lord, Marion, Mason, Maurer, Mentzer, Miller B.,  
Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C.,  
Penniman, Peters, Powers, Raley, Robey F.C., Scanlan, Sherbow,  
Sickles, Smith M.H., Sollins, Sybert, Ulrich, Wagandt, White,  
Willis, Winslow. Total--66

#### Not Voting

#### Delegates--

Clark J., Bard, Barrick, Beall, Boyles, Burgess, Bushong,  
Cleveland, Della, Dukes, Gleason, Grumbacher, Hanson, Hargrove,  
Key, Koss, Malkus, Miller E.T., Pascal, Ritter, Schloeder,  
Siewierski, Taylor L., Wheatley. Total--24

Amendment No. 26 to Committee Recommendation No. R&P-2, by





Delegate Storm, from the floor. The amendment was duly seconded.

Following Section 13 Imprisonment for Debt add this new section:

"Section \_\_\_\_ . Public Records and Meetings.

All public records shall be open for inspection, unless otherwise provided by law, and to the extent and in the manner provided by law, all governmental proceedings and meetings shall be open to the public."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bard, Beachley, Boyer, Burdette, Chabot, Child, Clagett, Dabrowski, Finch, Gallagher, Gill, Grant, Groh, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Koger, Kosakowski, Macdonald, Maurer, Mentzer, Miller B., Mitchell, Murray E.C., Needle, Neilson, Neumann, Pullen, Ritter, Rollins, Rush, Rybczynski, Sherbow, Sickles, Singer, Smith A.W., Sollins, Sosnowski, Soul, Stern, Storm, Taylor H.E., Taylor L., Vecera, Wagandt, Webb, Wheatley, White. Total--54

Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Baumann, Bennett, Blair, Boileau, Bothe, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Cicone, Clarke E.J., Darby, Dorsey, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gilchrist, Hardwicke, Henderson, Jett, Kiefer, Koss, Leitzel, Linton, Lord, Marion, Mason, Morgan, Mosner, Mudd, Murphy, Murray D.S., Penniman, Peters, Powers, Price, Raley, Robey F.C., Robie K.L., Rosenstock, Scanlan, Schneider, Smith J.H., Smith M.H., Sybert, Ulrich, Weidemeyer, Willis, Winslow. Total--65

Not Voting

Delegates--

Anderson, Barrick, Beall, Borom, Boyles, Burgess, Bushong, Cleveland, Della, Dukes, Gleason, Grumbacher, Gullett, Hanson, Hargrove, Key, Malkus, Miller E.T., Moser, Pascal, Schloeder, Siewierski, Willoner. Total--23

COMMITTEE RECOMMENDATION NO. R&P-2 WITH THE EXCEPTION OF SECTIONS 10, 11, AND 13 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Gullett, Hardwicke, Harris, Henderson, Hickman, Hopkins, Hutchinson, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Storm, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--107

## Negative

### Delegates--

Anderson, Groh, Harkness, Hostetter, Jett, Johnson, Kahl, Kirkland, Miller B., Ritter, Rush, Scanlan, Schneider, Sosnowski, Stern, Taylor L., Webb. Total--17

## Not Voting

### Delegates--

Barrick, Beall, Boyce, Boyles, Burgess, Bushong, Cleveland, Della, Dukes, Gleason, Grumbacher, Hanson, Hargrove, Malkus, Miller E.T., Pascal, Schloeder, Siewierski. Total--18

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. R&P-2 with the exception of Sections 10, 11, and 13.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:08 P.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. R&P-2 except for Sections 10, 11, and 13 and approved Committee Recommendation No. R&P-2 as amended except for Sections 10, 11, and 13.

The President then referred Committee Recommendation No. R&P-2 except for Section 10, 11, and 13 together with its amendments to the COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.





At 1:12 o'clock P.M. on motion of Mr. Powers, the Convention took a recess until 2:15 o'clock P.M.

At 2:15 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--130

Delegate Powers, duly seconded, moved to amend debate schedule no. 12 by striking out section 3 (School Fund) in the consideration of Committee Recommendation GP-6 and to add a provision to limit the presentation of any report to 30 minutes and the period for questions to 15 minutes.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

#### COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Clark presided at 2:25 P.M.

Mr. Wheatley, from the Committee on General Provisions reported Committee Recommendation No. GP-6

A RECOMMENDATION that the constitution include an article entitled "Education" to read as follows:

Section 1. The General Assembly shall provide for a statewide system of public education and for other public educational institutions that are desirable or necessary for the intellectual, cultural and occupational development of the residents of this State.



Section 2. The General Assembly shall promote equal educational opportunities for all residents.

Section 3. The school fund of the State shall be kept inviolate and appropriated only to the purposes of education.

Section 4. The General Assembly shall maintain and support a statewide system of free public schools as defined by law. There shall be a state board of education, composed of members representing geographic areas and appointed by the governor in accordance with law. The state board of education shall formulate policy and exercise control and direction over the public school system and shall perform such other duties as may be assigned to it. The board shall appoint a state superintendent of schools who shall be its executive and professional officer.

Section 5. Each local school system shall be managed by a local school board appointed by the governor or elected in such manner as provided by law; provided that all local school boards shall be permitted to retain their present method of selection but should there be a change proposed in the method presently employed in selecting such local school board or the existing fiscal authority of such board as it shall be constituted at the effective date of this article, such change or changes shall be first subjected to a referendum for the approval of the voters of such system or systems to be affected.

Section 6. The state university or universities and the system of state colleges shall be managed respectively by a board of regents of the state university or universities and a board of trustees of the state colleges appointed by the governor in accordance with law. The board of regents of the state university or universities and the board of trustees of the state colleges, respectively, shall have general supervision of their institution or institutions and control and direction of all expenditures of the funds of their institution or institutions.

Section 7. The public community colleges, by whatever name they may hereafter be known, shall be controlled by local boards in accordance with law and shall be under the general supervision of a state board. The local board of trustees shall have general supervision of the local institution or institutions and the control and direction of all expenditures from the institution's funds.

Section 8. There shall be a state advisory council of higher education, in accordance with law, to assist in the coordinating of programs of higher education in this State.

Section 9. The General Assembly shall provide for and maintain by law a statewide system of public libraries.





Mr. Lord, from the Committee on General Provisions reported Minority Report No. GP-6(A), by Delegates Boyer, Lord, Jett, Key, Singer, Clarke, Caldwell, of the Committee on General Provisions. This Minority Report relates to Committee Recommendation No. GP-6.

A MINORITY REPORT that Sections 8.03 and 8.04 of the new Constitution provide for public and higher education.

\* \* \*

At 3:35 P.M., Mr. Eney returned to the chamber and replaced Mr. Clark as Chairman of the Committee.

Amendment No. 1, to accompany Minority Report GP-6(A), to Committee Recommendation No. GP-6, By Delegates Boyer, Lord, Jett, Key, Singer, E.J. Clarke, Caldwell, from the floor. The amendment was duly seconded.

Strike out all of Section 1 and all of Section 4, and insert in lieu thereof the following:

"Section \_\_\_\_ . Public Education

The State shall provide by law for a statewide system of free public schools headed by a governing board appointed by the governor. The State shall also provide by law for such other public educational institutions and services as may be necessary or desirable for the intellectual, cultural and occupational development of the people of the State."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Baumann, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Carson, Chabot, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Key, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willoner, Winslow.

Total--107



## Negative

### Delegates--

Bard, Beachley, Blair, Burdette, Burgess, Case, Dorsey, Kiefer, Kirkland, Murray D.S., Pullen, Ritter, Sosnowski, Vecera, Wheatley, Willis. Total--16

## Not Voting

### Delegates--

Barrick, Beall, Bennett, Bushong, Child, Cleveland, Della, Dukes, Harris, Hostetter, Kahl, Malkus, Miller E.T., Mosner, Pascal, Price, Scanlan, Stern, Webb. Total--19

Amendment No. 2, to Committee Recommendation No. GP-6, By Delegates Wheatley, Blair, Kirkland, Pullen, Ritter, K.L. Robie, Sosnowski, Vecera, from the floor. The amendment was duly seconded.

In the Section substituted by Amendment No. 1 after the period add this new sentence:

"The board shall appoint a state superintendent of schools who shall be its executive and professional officer."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

Armor, Bard, Beachley, Blair, Burdette, Burgess, Byrnes, Carson, Case, Dorsey, Finch, Frederick, Gilchrist, Grant, Gullett, Hickman, Hopkins, Hutchinson, Johnson, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Mason, Mentzer, Miller B., Mitchell, Murphy, Murray D.S., Murray E.C., Pullen, Ritter, Robie K.L., Rollins, Rush, Rybczynski, Schloeder, Siewierski, Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Vecera, Webb, Weidemeyer, Wheatley, White, Willis. Total--52

## Negative

### Delegates--

President, Tawes, James, Abramson, Adkins, Anderson, Bamberger, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Caldwell, Cardin, Chabot, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gill, Gleason, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Jett, Key, Koger, Koss, Lord, Macdonald, Malkus, Marion, Maurer, Morgan, Moser, Mudd, Needle,





Neilson, Neumann, Penniman, Peters, Powers, Raley, Robey F.C.,  
Rosenstock, Schneider, Sherbow, Sickles, Singer, Smith A.W.,  
Smith J.H., Sollins, Taylor H.E., Ulrich, Wagandt, Willoner,  
Winslow. Total--72

#### Not Voting

##### Delegates--

Clark J., Barrick, Baumann, Beall, Bennett, Bushong, Child,  
Cleveland, Della, Dukes, Harris, Hostetter, Kahl, Miller E.T.,  
Mosner, Pascal, Price, Scanlan. Total--18

Amendment No. 3, to accompany Minority Report No. GP-6(A), to  
Committee Recommendation No. GP-6, by Delegates Boyer, Lord,  
Jett, Key, Singer, E.J. Clarke, Caldwell, from the floor.  
The amendment was duly seconded.

Strike out all of Section 2.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

#### Affirmative

##### Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,  
Armor, Boileau, Borom, Boyce, Boyer, Boyles, Bradshaw, Bryson,  
Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett,  
Clarke E.J., Dulany, Eckenrode, Fornos, Fox, Frederick,  
Freedlander, Gallagher, Gilchrist, Groh, Harkness, Henderson,  
Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key,  
Kiefer, Litzel, Lord, Macdonald, Malkus, Marion, Mentzer,  
Moser, Mudd, Murphy, Neilson, Neumann, Penniman, Powers, Raley,  
Robey F.C., Rosenstock, Rush, Schneider, Siewierski, Singer,  
Smith A.W., Smith M.H., Stern, Storm, Sybert, Taylor H.E.,  
Ulrich, Wagandt, Weidemeyer, Willis, Willoner, Winslow.  
Total--74

#### Negative

##### Delegates--

Bamberger, Bard, Beachley, Blair, Bothe, Burdette, Burgess,  
Buzzell, Byrnes, Chabot, Dabrowski, Dorsey, Finch, Gill,  
Gleason, Grant, Grumbacher, Gullett, Hanson, Hardwicke,  
Hargrove, Kirkland, Koger, Kosakowski, Koss, Linton, Mason,  
Miller B., Mitchell, Morgan, Murray D.S., Murray E.C., Needle,  
Peters, Pullen, Ritter, Robie K.L., Rollins, Rybczynski,  
Schloeder, Sherbow, Sickles, Smith J.H., Sollins, Sosnowski,  
Soul, Taylor L., Vecera, Wheatley, White. Total--50



## Not Voting

### Delegates--

Barrick, Baumann, Beall, Bennett, Bushong, Cleveland, Darby, Della, Dukes, Harris, Kahl, Maurer, Miller, E.T., Mosner, Pascal, Price, Scanlan, Webb. Total--18

Amendment No. 4 to accompany Minority Report No. GP-6 (A), to Committee Recommendation No. GP-6, by Delegates Boyer, Lord, Jett, Key, Wheatley, Blair, Kirkland, Pullen, Ritter, K.L. Robie, Sosnowski, Vecera, Singer, E.J. Clarke, Caldwell, from the floor. The amendment was duly seconded.

Strike out all of Section 3.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

#### Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Beachley, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dorsey, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray D.S., Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Schneider, Sherbow, Sickels, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatly, Willis, Willoner, Winslow. Total--112

### Negative

#### Delegates--

None Total--0

### Not Voting

#### Delegates--

Barrick, Baumann, Beall, Bennett, Burdette, Bushong, Cleveland, Darby, Della, Dukes, Finch, Hanson, Hardwicke, Harris, Hutchinson, Jett, Kahl, Key, Miller E.T., Mosner, Murray E.C., Pascal, Price, Pullen, Rubczynski, Scanlan, Schloeder, Taylor L., Webb, White. Total--30





At 6:38 P.M. a Quorum call was asked for and the following delegates answered:

President, Tawes, Adkins, Anderson, Armor, Bard, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Hanson, Hargrove, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--105

Amendment No. 5, to accompany Minority Report No. GP-6(A), to Committee Recommendation No. GP-6, by Delegates Boyer, Lord, Jett, Key, Singer, E.J. Clarke, Caldwell, from the floor. The amendment was duly seconded.

Strike out all of Section 5.

Amendment No. 6, to Committee Recommendation No. GP-6, by Delegates Wheatley, Blair, Kirkland, Pullen, Ritter, K.L. Robie, Sosnowski, Vecera, from the floor. The amendment was duly seconded.

In Section 5 strike out the word "boards" and insert in lieu thereof the word "systems".

WHICH AMENDMENT WAS READ AND ADOPTED BY UNANIMOUS CONSENT.

Amendment No. 7, to Committee Recommendation No. GP-6, by Delegates Wheatley, Blair, Kirkland, Pullen, Ritter, K.L. Robie, Sosnowski, Vecera, from the floor. The amendment was duly seconded.

In Section 5 after the word "selection" add the words "of their school board".

WHICH AMENDMENT WAS READ AND ADOPTED BY UNANIMOUS CONSENT.

Amendment No. 8, to Committee Recommendation No. GP-6, by Delegate Willis, from the floor. The amendment was duly seconded.

In Section 5, strike out the words "managed by" and insert in lieu thereof the following words:

"under the control and direction of";



And place a period after the words added by Amendment No. 7, and strike out the remainder.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Beachley, Blair, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Cicone, Clagett, Clarke E.J., Dorsey, Dulany, Eckenrode, Fornos, Fox, Gallagher, Gilchrist, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Hickman, Hopkins, Hostetter, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--106

Negative

Delegates--

Child, Freedlander, Gill, Maurer, Peters. Total--5

Not Voting

Delegates--

James, Barrick, Baumann, Beall, Bennett, Boileau, Borom, Burgess, Bushong, Cleveland, Dabrowski, Darby, Della, Dukes, Finch, Frederick, Gullett, Hardwicke, Harris, Henderson, Hutchinson, Jett, Kahl, Key, Malkus, Miller E.T., Mosner, Pascal, Price, Scanlan, Stern. Total--31

Amendment No. 5.

\* \* \*

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Armor, Bamberger, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Chabot, Child, Cicone, Clagett, Clarke E.J., Dulany, Eckenrode, Fornos, Fox,





Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hargrove, Harkness, Hopkins, Hostetter, Key, Kiefer, Koger, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mudd, Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Robey F.C., Rosenstock, Schneider, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Taylor H.E., Ulrich, Wagandt, Winslow. Total--75

#### Negative

#### Delegates--

Anderson, Bard, Beachley, Blair, Burdette, Carson, Case, Dorsey, Groh, Hickman, Johnson, Kirkland, Kosakowski, Linton, Mitchell, Murray D.S., Murray E.C., Pullen, Ritter, Robie K.L., Rollins, Rybczynski, Schloeder, Sherbow, Smith M.H., Sosnowski, Soul, Storm, Sybert, Webb, Weidemeyer, Wheatley, White, Willis, Willoner. Total--35

#### Not Voting

#### Delegates--

James, Barrick, Baumann, Beall, Bennett, Burgess, Bushong, Cleveland, Dabrowski, Darby, Della, Dukes, Finch, Frederick, Gullett, Hardwicke, Harris, Henderson, Hutchinson, Jett, Kahl, Malkus, Miller E.T., Mosner, Murphy, Pascal, Price, Rush, Scanlan, Stern, Taylor L., Vecera. Total--32

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that it has under consideration Committee Recommendation No. GP-6 and desires to sit again to consider the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 7:30 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has not concluded its consideration of Committee Recommendation No. GP-6 and desires to sit again on the matter.

#### REPORTS OF OTHER STANDING COMMITTEES

On proper motion, Rule No. 30, was suspended to allow the following Committee Recommendation to be reported.

Mr. Mudd, Chairman of the Committee on Judicial Branch offered Committee Recommendation No. JB-2.

A RECOMMENDATION that the Constitution contain a provision requiring that the full cost of the judicial system be borne by the State.



WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. JB-2 was offered in support of Committee Recommendation No. JB-2.

\* \* \*

WHICH WAS READ.

On proper motion, Rule No. 30, was suspended to allow the following Committee Recommendation to be reported.

Mr. Gallagher, Chairman of the Committee on the Legislative Branch offered Committee Recommendation LB-3.

A RECOMMENDATION that portions of Article 3 of the new Constitution dealing with the Legislative Branch provide for congressional redistricting procedure, continuity of government during emergencies and limitations on corporate charters.

\* \* \*

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. LB-3 was offered in support of Committee Recommendation No. LB-3.

\* \* \*

WHICH WAS READ.

At 7:40 o'clock P.M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Tuesday, December 19, 1967, at 2:00 P.M.





CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland  
Tuesday, December 19, 1967

The Convention met at 2:00 o'clock P.M.

Invocation was offered by the Reverend Howard M. Amoss, Easton District Superintendant of Methodist Church, Easton, Maryland.

Present at roll call were the following delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clark E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L, Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total 138

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda WHICH WAS READ AND ADOPTED BY VOICE VOTE.

MOTIONS AND RESOLUTIONS

Motion by Delegate Johnson to reconsider vote by which Committee Recommendation GP-4 was adopted on second reading.

UPON MOTION OF MR. POWERS DULY SECONDED, THE SAID MOTION WAS MADE THE SPECIAL ORDER FOR DECEMBER 20, 1967 AT 12:00 O'CLOCK (NOON).



President Eney made the following announcement:

Please enter on the journal that pursuant to the mutual request of Delegate Joseph L. Johnson and Delegate J. Hardin Marion, on December 6, 1967, I made the following changes in their committee assignments.

Delegate Joseph L. Johnson is transferred from the Committee on Style, Drafting and Arrangement to the Committee on Calendar and Agenda.

Delegate J. Hardin Marion is transferred from the Committee on Calendar and Agenda to the Committee on Style, Drafting and Arrangement.

Delegates Johnson and Marion will both remain as members of the Committee on the Judicial Branch.

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

#### REPORTS OF OTHER STANDING COMMITTEES

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement offered Report No. S&D 6. This Report covers matters in Committee of the Whole Report No. 6.

A Report concerning Committee Recommendation No. GP-3.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

Francis X. Gallagher, Chairman, Committee on Legislative Branch, offered a memorandum on arguments for single-member legislative districts (in reply to the recent Memorandum supporting three-man, multi-member districts).

Section 3.04 of Committee Recommendation LB-1 provides for single member districts in both the Senate and the House of Delegates, with three delegate districts exactly comprising one senate district. By adopting single member districts for the House of Delegates, the Committee on the Legislative Branch was endeavoring to achieve the following goals:

1. Single member districts increase the visibility of each delegate to the voter.
2. Single member districts increase the responsibility of each delegate to the voters.
3. Single member districts will increase the importance of the individual candidate in elections for the House of Delegates.





4. Single member districts strengthen the two-party system, particularly in areas where the minority party is confined to small geographical areas.

5. Single member districts benefit minority groups by enabling more minority group candidates to be elected to political office.

6. Single member districts shorten the ballot and thereby speed up election procedure.

7. Single member districts in the House of Delegates will strengthen bicameralism in Maryland by creating a representational difference in district sizes between the Senate and House of Delegates.

8. When coupled with a House of Delegates limited in size to 120 members, single member districts will reduce parochialism rather than increase it.

To summarize, it should be noted that the major goal of the Committee on the Legislative Branch in all its recommendations to the Convention has been to reduce the present anonymity and lack of prestige of the Maryland General Assembly. The Committee believes that the institution of single member districts will be a giant step in the continuing effort to give Maryland a visible, responsible, and prestigious General Assembly of which every Maryland citizen can be proud.

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the

GENERAL ORDERS OF THE DAY

SAID MOTION PREVAILED BY YEAS AND NAYS.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided. 2:22 P.M.

Consideration of Committee Recommendation GP-6 (Education) resumed.

Amendment No. 9 to Committee Recommendation GP-6 by Delegates Boyer, Wheatley, Blair, Caldwell, E.J. Clarke, Jett, Key, Kirkland, Lord, Pullen, Ritter, Robie, Singer, Sosnowski and Vecera from the floor. The amendment was duly seconded.

Strike out all of Sections 6, 7 and 8, and insert in lieu thereof the following:

"Section \_\_\_\_\_. Higher Education



The governing boards provided by law for the University of Maryland, the State Colleges and all other state institutions of higher education, including community colleges, shall formulate policies for their respective institutions and shall have general supervision thereof in all academic matters. Such boards may by law be granted such additional powers of supervision, direction and control of their respective institutions and the expenditure of the funds thereof as the General Assembly may deem to be appropriate."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murphy D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total 124

Delegates--

Not Voting

Clark J., Anderson, Boyce, Boyles, Burgess, Bushong, Chabot, Cleveland, Dabrowski, Gleason, Grumbacher, Hardwicke, Malkus, Miller E.T., Price, Rollins, Stern, Storm

Total 18

Amendment No. 10 to Committee Recommendation No. GP-6 by Delegates Boyer, Wheatley, Blair, Caldwell, E.J. Clarke, Jett, Key, Kirkland, Lord, Pullen, Ritter, Robie, Singer, Sosnowski, Vecera from the floor. The amendment was duly seconded.





Strike out all of Section 9.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Caldwell, Cardin, Carson, Cabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Slewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Storm, Sybert, Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--115

Negative

Delegates--

Byrnes, Hopkins, Taylor, L.

Total--3

Not Voting

Delegates--

Clark J., James, Abramson, Boyles, Burgess, Bushong, Case, Cleveland, Dorsey, Grumbacher, Hardwicke, Hostetter, Hutchinson, Kiefer, Malkus, Mason, Miller E. T., Moser, Murray D. S., Price, Pullen, Rollins, Stern, Taylor H. E.

Total--24

COMMITTEE RECOMMENDATION GP-6 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clark E.J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick,



Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--123

Negative

Delegates--None.

Total--0

Not Voting

Delegates--

Clark J., James, Abramson, Boyles, Burgess, Bushong, Cleveland, Dorsey, Grumbacher, Hardwicke, Hostetter, Kiefer, Malkus, Miller E.T., Price, Pullen, Rollins, Stern, Webb. Total--19

Mr. Boyer, Chairman of the General Provisions Committee reported Committee Recommendation No. GP-5.

A RECOMMENDATION that the Constitution include a provision on State Jurisdiction over Federal Enclaves, to read as follows:

The State of Maryland hereby reserves as to all lands within the State hereafter acquired by the United States or any agency thereof, whether by purchase, lease, condemnation or otherwise, and as to all property, persons and transactions on any such lands, jurisdiction and authority to the fullest extent permitted by the Constitution of the United States and not inconsistent with the governmental uses, purposes, and functions for which the land was acquired or is used.

Amendment No. 1, to Committee Recommendation No. GP-5 by Delegates Storm and Jett from the floor. The amendment was duly seconded.

Strike out all of lines 5 through 15, inclusive, and insert in lieu thereof the following:

"Notwithstanding anything contained or omitted in any act or acts of the General Assembly ceding jurisdiction over lands within this State to the United States or in giving consent to the acquisition of any lands within this State by the United States or any agency thereof, whether by purchase, lease, condemnation or otherwise, the jurisdiction of the laws of this State over persons, property, transactions, acts or omissions of individuals or private corporations within the limits of or on such lands shall not cease or terminate, except to such extent as may be specifically required by an act of





Congress. Nothing in this section shall be deemed or construed to restrict the jurisdiction and authority of this State over any lands, and the persons, property and transactions thereon, heretofore acquired by the United States. Any laws of this State continuing in effect within the limits of or on such lands shall not be effective if inconsistent with the governmental uses, purposes and functions for which the land was acquired or is used by the United States."

After debate, further consideration of Amendment 1 and Committee Recommendation GP-5 was delayed with permission of the Committee of the Whole.

Mr. Boyer, Chairman, General Provisions Committee reported Committee Recommendation No. GP-7.

A Recommendation that the Constitution include a provision on amendment of the Constitution to read as follows:

An amendment to this Constitution may be proposed either by the affirmative vote of three-fifths of all the members of each house of the General Assembly or by the vote of a majority of all the members of a constitutional convention called by the General Assembly. In either case, the proposed amendment shall be submitted to the voters of the State at a special or general election as determined by the General Assembly or the convention, whichever proposes the amendment. Notice of the election shall be given as prescribed by law. Unless otherwise provided, the amendment shall become effective thirty days after approval by the vote of a majority of those voting thereon.

Amendment No. 1, to Committee Recommendation GP-7 by  
Delegates Borom, Boyce, Bryson, Byrnes, Clark, Fox, Freedlander, Gallagher, Grant, Hanson, Hopkins, Jett, Needle, Robey F.C., Robie K.L., Schloeder, Ulrich, Wagandt, White, Willoner, Winslow from the floor.

The Amendment was duly seconded.

In line 6 strike out the word "either";

and in line 8 strike out the word "or" and insert in lieu thereof a comma;

and in line 11 strike out the period and strike out the remainder of this line and all of lines 12 through 15, inclusive, and insert in lieu thereof the following:

", or by a petititon filed with the office of the governor signed by a number of qualified voters of the State equal to ten percent of the total number of votes cast for governor in the



most recent gubernatorial election, provided that not more than one-fourth of the total number shall be voters in any one county. Any such petition shall be in such form, and shall be signed and circulated in such manner as shall be prescribed by law. When proposed by the General Assembly or by the petition of the voters, the proposed amendment shall be submitted to the voters of the State at a special or general election as determined by the General Assembly and when proposed by a constitutional convention shall be submitted to these voters at a special or general election as determined by the convention."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Delegates--	Affirmative
Bard, Bennett, Borom, Boyce, Boyles, Bradshaw, Bryson, Burdette, Byrnes, Caldwell, Clagett, Clarke E.J., Fox, Freedlander, Gallagher, Gleason, Grant, Groh, Gullett, Hanson, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Leitzel, Linton, Marion, Mentzer, Mudd, Needle, Pullen, Ritter, Robey F.C., Robie K.L., Schloeder, Schneider, Siewierski, Singer, Sollins, Ulrich, Wagandt, Webb, White, Willoner, Winslow.	

Total-- 47

Delegates--	Negative
President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Beall, Blair, Bothe, Boyer, Burgess, Buzzell, Cardin, Carson, Case, Chabot, Child, Cicone, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Frederick, Gilchrist, Gill, Hargrove, Harkness, Harris, Henderson, Hickman, Key, Koger, Kosakowski, Koss, Macdonald, Malkus, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Sherbow, Sickles, Smith A. W., Smith J.H., Smith M.H., Sosnowski, Soul, Storm, Sybert, Taylor H.E., Vecera, Weidemeyer, Wheatley, Willis.	

Total --80

Delegates--	Not voting
Clark J., Boileau, Bushong, Cleveland, Dukes, Fornos, Grumbacher, Hardwicke, Kiefer, Kirkland, Lord, Miller E.T., Price, Stern, Taylor L.	

Total-15

COMMITTEE RECOMMENDATION GP-7 WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:





## Delegates--

## Affirmative

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 128

Negative - None

Total - 0

## Delegates--

## Not Voting

Clark J., Boileau, Bushong, Cleveland, Fornos, Grant, Groh, Grumbacher, Hardwicke, Jett, Kiefer, Miller E.T., Price, Stern.

Total - 14

Mr. Boyer, Chairman, General Provisions Committee reported Committee Recommendation No. GP-8.

A recommendation that the Constitution include a provision on constitutional convention to read as follows:

The General Assembly may by law call a constitutional convention at any time or may at any time submit to the voters of the State the question of calling a constitutional convention. If the question of calling a convention shall not have been submitted to the voters of the State for a period of twenty-five years, then it shall be submitted at the next general election. A convention shall be held within two years after a majority of those voting on the question approve the calling of a convention. Within sixty days after such approval, the governor shall appoint a commission to prepare for the convention. At its {second} regular session following such approval, the General Assembly shall provide by law for the assembling of the convention, the election of delegates, the filling of vacancies in the position of delegate, and the



appropriation of sufficient funds for the work of the convention. The convention shall adopt its own rules of procedure. Any proposal recommended by the convention for changing the constitution shall be submitted to the voters of the State for adoption, and shall be effective only if approved by the affirmative vote of a majority of those voting thereon.

Amendment No. 1, to Committee Recommendation GP-8 by Delegates Needle, Hardwicke, Sollins from the floor.

The Amendment was duly seconded.

In line 5 after the word "Assembly" add the following words: "or the governor"..

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Delegates-- Affirmative

Bamberger, Bard, Bennett, Burgess, Cardin, Chabot, Fornos, Freedlander, Hardwicke, Hopkins, Koss, Macdonald, Marion, Mentzer, Miller B., Mitchell, Morgan, Mudd, Needle, Schloeder, Sickles, Siewierski, Taylor L., Ulrich, White, Willoner

Total-26

Delegates-- Negative

President, Tawes, James, Adkins, Anderson, Armor, Barrick, Beachley, Blair, Boileau, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Carson, Case, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Fox, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hostetter, Johnson, Kahl, Key, Koger, Kosakowski, Leitzel, Linton, Lord, Mason, Mosner, Murphy, Murray D.S., Murray E.C., Neilson, Penniman, Peters, Powers, Pullen, Raley, Kitter, Robie K.L., Rollins, Rosenstock, Rush, Scanlan, Schneider, Sherbow, Singer, Smith J.H., Smith M.H., Stern, Storm, Sybert, Wagandt, Webb, Weidemeyer, Wneatley, Willis, Winslow

Total - 83

Delegates-- Not voting

Clark J., Abramson, Baumann, Beall, Borom, Boyles, Bushong, Clarke E.J., Cleveland, Dukes, Finch, Frederick, Gallagher, Grant, Hutchinson, Jett, Kiefer, Kirkland, Malkus, Maurer, Miller E.T., Moser, Neumann, Pascal, Price, Robey F.C., Rybczynski, Smith A.W., Sollins, Sosnowski, Soul, Taylor H.E., Vecera

Total - 33





Amendment No. 2, to Committee Recommendation No. GP-8  
by Delegates Needle, Hardwicke, Sollins from the floor.

The Amendment was duly seconded.

In line 5 strike out the words "by law".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS  
FOLLOWS:

Delegates--	Affirmative
Bamberger, Bennett, Boyles, Burdette, Burgess, Cardin, Chabot, Cicone, Fornos, Freedlander, Groh, Grumbacher, Gullett, Hard- wicke, Hopkins, Koger, Marion, Mitchell, Morgan, Needle, Schloeder, Schneider, Sickles, Singer, Sollins, Willoner, Winslow	
	Total - 27

Delegates--	Negative
President, Tawes, James, Adkins, Anderson, Armor, Bard, Barrick, Beachley, Blair, Bothe, Boyce, Boyer, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Carson, Case, Child, Clagett, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fox, Gilchrist, Gill, Gleason, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Key, Kosakowski, Leitzel, Linton, Lord, Mason, Mentzer, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Sherbow, Siewierski, Smith A.W., Smith J.H., Smith M.H., Soul, Stern, Storm, Sybert, Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis	
	Total - 86

Delegates--	Not Voting
Clark J., Abramson, Baumann, Beall, Boileau, Borom, Bushong, Clarke E.J., Cleveland, Dukes, Frederick, Gallagher, Grant, Jett, Kiefer, Kirkland, Koss, Macdonald, Malkus, Maurer, Miller B., Miller E.T., Moser, Pascal, Price, Robey F.C., Sosnowski, Taylor H.E., Vecera	
	Total - 29

Amendment No. 3, to Committee Recommendation No. GP-8 by  
Delegates Needle, Hardwicke, Sollins from the floor.

The amendment was duly seconded.

In line 9 after the period add this new sentence: "If a  
petition, signed by a number of qualified voters of the State  
equal to ten per cent of the total number of votes cast for  
governor in the most recent gubernatorial election, provided  
that not more than one fourth of the total number shall be  
voters in any one county, is filed with the office of governor  
to refer to the voters the question of calling a constitutional  
convention, the question shall be submitted to a vote at the  
next general election."



WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS  
FOLLOWS:

Delegates--

Affirmative

Bamberger, Bard, Bennett, Boileau, Borom, Boyce, Bryson,  
Burdette, Burgess, Byrnes, Clagett, Finch, Fornos, Freed-  
lander, Gill, Gleason, Grant, Groh, Grumbacher, Gullett,  
Hardwicke, Harris, Hopkins, Hutchinson, Koger, Kosakowski,  
Koss, Leitzel, Linton, Lord, Marion, Maurer, Mentzer, Miller B.  
Mitchell, Morgan, Mudd, Murray E.C., Needle, Pullen, Raley,  
Schloeder, Sickles, Siewierski, Singer, Sollins, Taylor L.,  
Ulrich, Wagandt, Webb, White, Willoner, Winslow

Total - 53

Delegates--

Negative

President, Tawes, James, Adkins, Anderson, Armor, Barrick,  
Beachley, Blair, Bothe, Boyer, Boyles, Bradshaw, Buzzell,  
Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone,  
Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode,  
Fox, Gilchrist, Hanson, Hargrove, Harkness, Henderson, Hickman,  
Hostetter, Kahl, Key, Kiefer, Macdonald, Mason, Mosner, Murphy,  
Murray D.S., Neilson, Neumann, Penniman, Peters, Powers,  
Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan,  
Schneider, Sherbow, Smith A.W., Smith J.H., Smith M.H., Soul,  
Stern, Storm, Sybert, Taylor H.E., Weidemeyer, Willis

Total - 67

Delegates--

Not voting

Clark J., Abramson, Baumann, Beall, Bushong, Cleveland, Dukes,  
Frederick, Gallagher, Jett, Johnson, Kirkland, Malkus, Miller  
E.T., Moser, Pascal, Price, Ritter, Robey F.C., Sosnowski,  
Vecera, Wheatley

Total - 22

Amendment No. 4, to Committee Recommendation No. GP-8 by  
Delegates Needle, Hardwicke, Sollins from the floor.

The Amendment was duly seconded.

In lines 11 and 12 strike out the following: "twenty-five"  
and insert in lieu thereof the word "twenty".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:





## Affirmative

### Delegates--

Adkins, Bamberger, Bard, Bennett, Boileau, Borom, Bothe, Bradshaw, Bryson, Burdette, Burgess, Byrnes, Cardin, Case, Chabot, Child, Cicone, Clagett, Dulany, Fornos, Fox, Freedlander, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Hutchinson, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Robie K.L., Rollins, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Sollins, Taylor L., Ulrich, Wagandt, White, Willoner, Winslow, Total--70

## Negative

### Delegates--

Tawes, James, Anderson, Barrick, Beachley, Beall, Blair, Boyce, Boyer, Boyles, Buzzell, Caldwell, Carson, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick, Gilchrist, Gill, Harkness, Henderson, Hickman, Hopkins, Hostetter, Johnson, Kahl, Key, Kirkland, Mudd, Murphy, Peters, Powers, Raley, Ritter, Rosenstock, Rush, Rypczynski, Schneider, Siewierski, Smith M.H., Soul, Stern, Storm, Sybert, Taylor H.E., Vecera, Webb, Weidemeyer, Wheatley, Willis. Total--55

## Not Voting

### Delegates--

President, Clark J., Abramson, Armor, Baumann, Bushong, Cleveland, Gallagher, Jett, Malkus, Miller E.T., Moser, Pascal, Price, Pullen, Robey F.C., Sosnowski Total--17

Amendment No. 5, to Committee Recommendation No. GP-8, by Delegates Needle, Hardwicke and Sollins, from the floor. The amendment was duly seconded.

In line 13 after the period add the following new sentence: "In any event, there shall be a constitutional convention fifty years from the effective date of this constitution, unless the General Assembly or the voters of the State call a constitutional convention at any time prior to then."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:



### Affirmative

#### Delegates--

Bard, Bennett, Byrnes, Cardin, Grumbacher, Hardwicke, Koger,  
Kosakowski, Koss, Mentzer, Miller B., Needle, Schloeder,  
Sollins. Total--14

### Negative

#### Delegates--

President, Tawes, James, Abramson, Adkins, Anderson, Armor,  
Bamberger, Barrick, Beachley, Beall, Blair, Boileau, Bothe,  
Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess,  
Buzzell, Caldwell, Carson, Case, Chabot, Child, Cicone,  
Claggett, Clarke E.J., Dabrowski, Darby, Della, Dorsey,  
Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander,  
Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hanson,  
Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins,  
Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland,  
Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer,  
Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C.,  
Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen,  
Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock,  
Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles,  
Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Soul,  
Stern, Storm, Sybert, Taylor H.E., Taylor L. Ulrich, Vecera,  
Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner,  
Winslow. Total--114

### Not Voting

#### Delegates--

Clark J, Baumann, Borom, Bushong, Cleveland, Fornos, Gallagher,  
Jett, Malkus, Miller E.T., Moser, Pascal, Price, Sosnowski.  
Total--14

Amendment No. 6, to Committee Recommendation No. GP-8, by  
Delegates Needle, Hardwicke and Solless from the floor. The  
amendment was duly seconded.

In line 14 strike out the words "one year" and insert in  
lieu thereof the following words: "two years."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:





## Affirmative

### Delegates--

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Borom, Bradshaw, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Claggett, Dabrowski, Darby, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Johnson, Kahl, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Weidemeyer, White, Willis, Willoner, Winslow. Total--100

## Negative

### Delegates--

Beall, Boileau, Bothe, Boyer, Boyles, Caldwell, Della, Dorsey, Eckenrode, Gleason, Hutchinson, Key, Kirkland, Mason, Murphy, Pullen, Ritter, Soul, Stern, Vecera, Wheatley. Total--21

## Not Voting

### Delegates--

Clark J., Baumann, Boyce, Bryson, Bushong, Clarke E.J., Cleveland, Dukes, Dulany, Gallagher, Gullett, Hardwicke, Jett, Malkus, Miller E.T., Pascal, Price, Rybczynski, Sosnowski, Wagandt, Webb. Total--21

Amendment No. 7, to Committee Recommendation No. GP-8, By Delegate James, from the Floor. The amendment was duly seconded.

In line 19 strike out the words "its next" and insert in lieu thereof the following words: "not later than the second."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:



Affirmative

Delegates--

President, Tawes, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--122

Negative

Delegates--

None.

Total--0

Not Voting

Delegates--

Clark J., James, Baumann, Boyce, Bushong, Clarke E.J., Cleveland, Della, Dulany, Gallagher, Gullett, Hardwicke, Jett, Malkus, Miller E.T., Moser, Murphy, Pascal, Price, Sosnowski. Total--20

Amendment No. 8, to Committee Recommendation No. GP-8, by Delegates Needle, Hardwicke and Sollins from the floor. The Amendment was duly seconded.

In line 16 after the word "convention" insert the following words: "or within two years after the General Assembly calls a convention."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates--

President, Tawes, James, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total--116

## Negative

### Delegates--

None.

Total--0

## Not Voting

### Delegates--

Clark J., Abramson, Adkins, Baumann, Boyce, Boyer, Bushong, Chabot, Clarke E.J., Cleveland, Della, Dulany, Gallagher, Gullett, Hardwicke, Jett, Key, Malkus, Miller E.T., Moser, Pascal, Price, Scanlan, Sosnowski, Taylor L., Willis.

Total--26

Amendment No. 9, to Committee Recommendation No. GP-8, by Delegates Carson and Scanlan from the Floor. The amendment was duly seconded.

Strike out everything beginning with the word "Within" in line 16 down to and including the word "procedure" in line 2 on page 2.

The above amendment was divided by the Chair into two questions.

- (1) Striking sentence beginning in line 16, page 2.



WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS  
FOLLOWS:

Affirmative

Delegates--

James, Adkins, Bamberger, Bard, Barrick, Blair, Boileau, Borom,  
Burgess, Cardin, Carson, Case, Chabot, Dukes, Gilchrist, Gill,  
Gleason, Grumbacher, Hanson, Henderson, Hopkins, Hostetter,  
Hutchinson, Johnson, Leitzel, Mason, Maurer, Neilson, Neumann,  
Peters, Raley, Scanlan, Sybert, Wagandt, White, Willis,  
Willoner. Total--37

Negative

Delegates--

President, Tawes, Anderson, Armor, Beachley, Beall, Bennett,  
Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell,  
Byrnes, Caldwell, Child, Cicone, Clagett, Dabrowski, Darby,  
Dorsey, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander,  
Grant, Groh, Hargrove, Harkness, Harris, Hickman, Kahl, Key,  
Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord,  
Macdonald, Marion, Miller B., Mitchell, Morgan, Mosner, Mudd,  
Murphy, Murray D.S., Murray E.C., Needle, Penniman, Powers,  
Pullen, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock,  
Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles,  
Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins,  
Soul, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Vecera,  
Webb, Weidemeyer, Winslow. Total--84

Not Voting

Delegates--

Clark J., Abramson, Baumann, Boyce, Bushong, Clarke E.J.,  
Cleveland, Della, Dulany, Gallagher, Gullett, Hardwicke, Jett,  
Malkus, Mentzer, Miller E.T., Moser, Pascal, Price, Sosnowski,  
Wheatley. Total--21

(2) Striking the two sentences beginning on line 18 page 1.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOL-  
LOWS:





## Affirmative

### Delegates--

Adkins, Bamberger, Cardin, Carson, Dukes, Gilchrist, Gill, Gleason, Hanson, Hopkins, Hostetter, Hutchinson, Johnson, Mason, Mentzer, Mitchell, Morgan, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Raley, Rybczynski, Scanlan, Sollins, Wagandt, Willis, Willoner. Total--30

## Negative

### Delegates--

President, Tawes, James, Anderson, Armor, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Grant, Groh, Grumbacher, Hargrove, Harkness, Harris, Henderson, Hickman, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Miller B., Mosner, Mudd, Murphy, Needle, Powers, Pullen, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Webb, Weidemeyer, Wheatley, White, Winslow. Total--92

## Not Voting

### Delegates--

Clark J., Abramson, Baumann, Borom, Boyce, Bushong, Clarke E.J., Cleveland, Dulany, Gallagher, Gullett, Hardwicke, Jett, Koss, Malkus, Miller E.T., Moser, Pascal, Price, Sosnowski. Total--20

Amendment No. 10, to Committee Recommendation No. GP-8, by Delegates Needle, Hardwicke and Sollins from the floor. The amendment was duly seconded.

In line 17 after the word "approval" add the words: "by the voters or within sixty days after the General Assembly calls a convention".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:



## AFFIRMATIVE

### Delegates--

President, Tawes, Adkins, Armor, Bamberger, Bari, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--114

### Negative

### Delegates--

None.

Total--0

### Not Voting

### Delegates--

Clark J., James, Abramson, Anderson, Baumann, Borom, Boyce, Burgess, Bushong, Clarke E.J., Cleveland, Della, Dulany, Gallagher, Gullett, Hardwicke, Jett, Malkus, Miller E.T., Moser, Murphy, Pascal, Price, Raley, Sosnowski, Taylor L., Vecera, Wagandt. Total--28

COMMITTEE RECOMMENDATION NO. GP-8 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

### Delegates--

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone,





Clagett, Dabrowski, Darby, Dorsey, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Wheatley, White, Willis, Willoner, Winslow. Total--114

#### Negative

#### Delegates--

Johnson, Siewierski, Webb, Weidemeyer. Total--4

#### Not Voting

#### Delegates--

Clark J., James, Abramson, Baumann, Boyce, Burgess, Bushong, Clarke E.J., Cleveland, Della, Dukes, Dulany, Gallagher, Gullett, Hardwicke, Jett, Malkus, Miller E.T., Moser, Pascal, Price, Rush, Sosnowski, Vecera. Total--24

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has delayed its action of Committee Recommendation No. GP-5; has approved Committee Recommendation No. GP-6 as amended; has approved Committee Recommendation No. GP-7; and has approved Committee Recommendation No. GP-8 as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:15 P.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has delayed its consideration of Committee Recommendation No. GP-5; has approved Committee Recommendation No. GP-6 as amended; has approved Committee Recommendation No. GP-7; and has approved Committee Recommendation No. GP-8 as amended.

The President then referred Committee Recommendation No. GP-6 together with its amendments; and Committee Recommendation GP-7; and Committee Recommendation No. GP-8 together with its amendments to the COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

#### REPORTS OF OTHER STANDING COMMITTEES

Delegates Powers, duly seconded, moved to suspend Rule



No. 30 so that Committee Recommendation GP-12 could be received by the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

Mr. Boyer, Chairman, Committee on General Provisions, offered Committee Recommendation No. GP-12.

A Recommendation that the Constitution include a provision on effective date:

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WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-12 was offered in support of Committee Recommendation No. GP-12.

\*\*\*

WHICH WAS READ.

A Memorandum in support of Committee Recommendation GP-11 was offered by Delegate Grant.

\*\*\*

WHICH WAS READ AND RECEIVED.

At 6:20 o'clock P.M. on motion of Mr. Powers, the Convention took a recess until 7:45 o'clock P.M.

At 7:45 P.M., the Convention resumed its session. Present at roll call were the following Delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--131





REPORTS OF OTHER STANDING COMMITTEES

Committee on Style, Drafting and Arrangement, Mr. Penniman, Chairman, offered Report No. 7. This Report covers matters in Committee of the Whole Report No. 7.

A Report concerning Committee Recommendation No. LG-1.

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WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

MOTIONS AND RESOLUTIONS

Motion No. 7 by Delegate Powers.

A Motion to make reconsideration of GP-4 a special order and limit debate.

Delegate Powers, Chairman of Committee on Calendar and Agenda moves that the motion by Delegate Johnson to reconsider the vote by which Committee Recommendation No. GP-4 (Consumer Protection) was adopted on Second Reading be made a special order for Wednesday, December 20th at 12:00 noon, and that debate on the motion to reconsider be limited to thirty (30) minutes, fifteen (15) minutes for each side, with a limit of two (2) minutes for each speech, and if the motion to reconsider prevails a vote will be taken on Committee Recommendation No. GP-4 without further debate.

Delegate Scanlan, duly seconded, moved that above motion #7 be amended by changing thirty minutes in line 11 to twenty minutes and that the 15 minutes in line 12 be changed to 10 minutes.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE ON AMENDMENT TO MOTION #7.

MOTION #7 AS AMENDED WAS PASSED BY VOICE VOTE.

Delegate Powers, duly seconded, moved to limit debate on Committee Recommendation LB-3 and Committee Recommendation JB-2 to ten minutes for their presentation and three minutes to other speakers.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided. 8:10 P.M.



Mr. Boyer, Chairman, General Provisions Committee,  
reported on Committee Recommendation No. GP-9.

A Recommendation that the Constitution contain the following provision dealing with the adoption by the State of the Common Law of England, such of the English Statutes which are applicable to local circumstances, the Acts of Assembly which are appropriately enforceable and entitling the citizens of Maryland to all property derived by Charter from the King, to read as follows:

That the Inhabitants of Maryland are entitled to the Common Law of England according to the course of that Law, and to the benefit of such of the English Statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First to Caecilius Calvert, Baron of Baltimore.

Amendment No. 1, Committee Recommendation No. GP-9 by the Committee on General Provisions, Elroy G. Boyer, Chairman, from the floor.  
The Amendment was duly seconded.

Strike out all of Section and insert in lieu thereof the following: "provisions dealing with the effect of this Constitution on existing legislation and on enumerated legal writs, actions and proceedings as follows:

All legislation, including local legislation, and all other law, including common law, in force on June 30, 1968, insofar as not in conflict with this Constitution, shall continue in force until it expires by its own limitation, or is lawfully changed, and all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, property titles and rights shall continue unaffected except as modified in accordance with the provisions of this Constitution."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Anderson, Armor, Bard, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della,





Dukes, Eckenrode, Finch, Fornos, Fox, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--115

#### Negative

Delegates--

None Total--0

#### Not Voting

Delegates--

Clark J., James, Abramson, Adkins, Bamberger, Baumann, Beall, Burgess, Bushong, Carson, Clarke E.J., Cleveland, Dorsey, Dulany, Frederick, Gallagher, Gullett, Hardwicke, Kiefer, Leitzel, Maurer, Miller E.T., Murphy, Murray D.S., Pascal, Price, Vecera.

Total--27

COMMITTEE RECOMMENDATION NO. GP-9 WAS APPROVED AS AMENDED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

Delegates--

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dukes, Finch, Fornos, Fox, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--116



Negative

Delegates--

None

Total--0

Not Voting

Delegates--

Clark J., James, Abramson, Baumann, Beall, Burgess, Bushong, Carson, Clarke E.J., Cleveland, Dorsey, Dulany, Eckenrode, Frederick, Gallagher, Gullett, Hardwicke, Kiefer, Leitzel, Maurer, Miller E.T., Murphy, Murray D.S., Pascal, Price, Vecera.  
Total--26

Mr. Boyer, Chairman, General Provisions Committee reported on Committee Recommendation No. GP-10.

A RECOMMENDATION that the Constitution include a provision on impeachment to read as follows:

The House of Delegates shall have the sole power of impeachment of elected officials, judges and any other state officers who may be designated by law, in cases of serious crimes or serious misconduct in office. The affirmative vote of three-fifths of all the members of the House of Delegates shall be required to impeach. Impeachments shall be tried by a special tribunal of ten judges appointed by the Court of Appeals from among the judges of the State. The concurrence of three-fifths of the judges of the special tribunal shall be required to convict. Judgment upon conviction shall be removal from office and may include disqualification from holding any office of public trust, as well as deprivation of pension rights and other privileges of office. A person tried upon impeachment, whether or not convicted, shall be liable to criminal prosecution and punishment according to law.

Amendment No. 1 to Committee Recommendation No. GP-10 by Delegates Hanson, Hopkins, Bamberger, Gallagher, from the floor. The Amendment was duly seconded.

Strike out all of lines 13 through 17, inclusive, and insert in lieu thereof the following: "tried by the Senate. The concurrence of three-fifths of all the members of the Senate shall be required to convict."

WHICHA AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Bamberger, Bard, Bennett, Boileau, Bothe, Boyce, Burdette, Byrnes, Carson, Chabot, Dorsey, Eckenrode, Fox, Gallagher, Gill, Gleason, Grant, Grumbacher, Hanson, Harris, Henderson, Hickman, Hopkins, Hutchinson, Johnson, Kahl, Kosakowski, Koss, Malkus, Mason, Miller B., Mitchell, Morgan, Mudd, Neilson, Neumann, Pascal, Peters, Robey F.C., Smith A.W., Wheatley, White, Willoner.

Total--44





## Negative

### Delegates--

President, Tawes, Abramson, Armor, Barrick, Beachley, Beall, Blair, Borom, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Caldwell, Cardin, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dukes, Dulany, Finch, Freedlander, Gilchrist, Groh, Hargrove, Harkness, Jett, Key, Kiefer, Koger, Linton, Lord, Marion, Mentzer, Moser, Mosner, Murray E.C., Needle, Penniman, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Willis, Winslow. Total--76

### Not Voting

### Delegates--

Clark J., James, Adkins, Baumann, Burgess, Bushong, Cleveland, Della, Fornos, Frederick, Gullett, Hardwicke, Hostetter, Kirkland, Leitzel, Macdonald, Maurer, Miller E.T., Murphy, Murray D.S., Price, Vecera. Total--22

Amendment No. 2 to Committee Recommendation No. GP-10 by Delegate Grant from the floor. The Amendment was duly seconded.

Following line 25 add this new section:

"Section \_\_\_\_ . Removal of Officers.

Except as otherwise provided in this Constitution, the General Assembly shall provide by law for investigation of the misconduct in office or incompetency of any officer and, subject to judicial review, for the removal for good cause of any officer who is investigated, and for the appointment of a successor of the same political party to fill the remainder of the term of office of the removed officer."

AFTER DEBATE WITH PERMISSION OF THE COMMITTEE OF THE WHOLE THE ABOVE AMENDMENT WAS WITHDRAWN.

Amendment No. 3 to Committee Recommendation No. GP-10 by Delegate Bamberger from the floor. The Amendment was duly seconded.

In line 6 after the word "elected" add the word "state".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates--

President, Tawes, Adkins, Armor, Bamberger, Bard, Barrick, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Macdonald, Marion, Mason, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray E.C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Scanlan, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--101

## Negative

### Delegates--

Rush, Rybczynski.

Total--2

## Not Voting

### Delegates--

Clark J., James, Abramson, Anderson, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Burdette, Burgess, Bushong, Chabot, Cleveland, Della, Dukes, Fornos, Frederick, Gullett, Hargrove, Kirkland, Koss, Leitzel, Linton, Lord, Malkus, Maurer, Miller E.T., Murphy, Murray D.S., Pascal, Peters, Price, Ritter, Rosenstock, Schneider, Taylor L., Vecera.

Total--39

COMMITTEE RECOMMENDATION NO. GP-10 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

President, Tawes, James, Adkins, Armor, Bamberger, Bard, Barrick, Bennett, Bothe, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dulany, Eckenrode, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Macdonald, Marion, Mason, Mentzer, Morgan, Moser, Mosner, Mudd, Murray E.C., Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White,





Willis, Winslow.

Total - 89

Negative

Delegates -

Anderson, Borom, Dorsey, Gleason, Grumbacher, Hanson, Hutchinson, Koger, Miller B., Mitchell, Needle, Robey F.C., Siewierski, Sollins, Stern, Willoner.

Total - 16

Not Voting

Delegates -

Clark J., Abramson, Baumann, Beachley, Beall, Blair, Boileau, Boyce, Burdette, Burgess, Bushong, Carson, Clarke, E.J., Cleveland, Della, Dukes, Finch, Fornos, Frederick, Grant, Gullett, Hargrove, Kirkland, Koss, Leitzel, Linton, Lord, Malkus, Maurer, Miller E.T., Murphy, Murray D.S., Peters, Price, Rush, Scanlan, Vecera.

Total - 37

Mr. Boyer, Chairman of the General Provisions Committee, reported on Committee Recommendation No. GP-11.

A Recommendation that the Constitution include a provision on separation of powers to read as follows:

The legislative, executive, and judicial powers of government shall be forever separate and distinct from each other, and no person exercising the functions of one of these departments shall assume or discharge the duties of any other department, but the legislature may enact laws providing for the establishment, maintenance, or conduct of administrative agencies, boards, and commissions, which may within themselves exercise one or more of the legislative, executive or judicial functions, provided that the legislature shall provide for due process and judicial review.

COMMITTEE RECOMMENDATION NO. GP-11 WAS NOT APPROVED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates--

Anderson, Armor, Bard, Beachley, Bennett, Boyer, Boyles, Burdette, Cardin, Case, Child, Clarke E.J., Dorsey, Eckenrode, Gill, Gleason, Grant, Groh, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kosakowski, Linton, Mason, Miller B., Mitchell, Murray E.C., Pascal, Pullen, Ritter, Rybczynski, Singer, Smith A.W., Sosnowski, Soul, Storm, Taylor L., Webb, Weidemeyer, Wheatley.

Total--42

## Negative

### Delegates--

President, James, Adkins, Barrick, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Byrnes, Carson, Chabot, Cicone, Clagett, Darby, Dulany, Finch, Fox, Freedlander, Gallagher, Gilchrist, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Jett, Key, Koger, Lord, Macdoanld, Marion, Mentzer, Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith J.H., Smith M.H., Sollins, Stern, Sybert, Taylor H.E., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total--69

## Not Voting

### Delegates--

Tawes, Clark J., Abramson, Bamberger, Baumann, Beall, Blair, Burgess, Bushong, Buzzell, Caldwell, Cleveland, Dabrowski, Della, Dukes, Fornos, Frederick, Gullett, Hardwicke, Hickman, Kirkland, Koss, Leitzel, Malkus, Maurer, Miller E.T., Murphy, Murray D.S., Price, Rush, Vecera.

Total--31

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that the Committee has approved as amended Committee Recommendation GP-9; has approved Committee Recommendation GP-10 as amended, and failed to approve Committee Recommendation GP-11.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 10:23 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has approved Committee Recommendation GP-9 as amended, has approved Committee Recommendation GP-10 as amended, and failed to approve Committee Recommendation GP-11.





The President referred Committee Recommendation GP-9 together with its amendments and Committee Recommendation GP-10 together with its amendments to the Committee on Style, Drafting and Arrangement.

At 10:28 p.m. on motion of Mr. Powers, duly seconded, the Convention adjourned until Wednesday, December 20, 1967 at 10:00 a.m.



CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland  
Wednesday, Dec. 20, 1967

The Convention met at 10:00 A.M.

Invocation was offered by Rabbi Leon Adler, Temple Emanuel of Montgomery County, Kensington, Maryland.

Present at roll call were the following delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--133

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 21

This Report Covers Matters In: General Order No. 16, Committee Recommendation No. R&P-1, Delegate Proposal Nos. 1, 13, 14, 15, 16, 18, 19, 26, 28, 31, 35, 38, 42, 43, 44, 47, 52, 53, 56, 68, 70, 79, 80, 91, 92, 94, 97, 98, 106, 119, 121, 124, 130, 132, 135, 136, 137, 151, 152, 158, 171, 172, 173, 174, 175, 176, 185, 190, 193, 195, 196, 197, 205, 218, 225, 227, 229, 230, 238, 247,





249, 254, 257, 260, 263, 275, 289, 296, 297, 301, 302,  
303, 324, 327, 331, 333, 336, 349, 395, 401, 407, 410,  
414, 416, 419, 423, 434, 436, 439, 442.

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The Committee of the Whole has considered Committee Recommendation No. R&P-1 and has approved it with amendments as indicated in the attachment to this Report. WHICH WAS READ.

Committee Recommendation No. R&P-1 As Amended  
By Committee of the Whole, Dec. 13, 1967

A RECOMMENDATION that the Constitution contain a Preamble followed by Article I, A Declaration of Rights, that shall read as follows:

#### PREAMBLE

We, the people of the state of Maryland, grateful to Almighty God for our civil and religious freedom; recognizing that all political power originates in the people and that all government is instituted to secure their right to life, liberty, and the pursuit of happiness; and acknowledging our duty and responsibility to posterity, do establish and ordain this constitution.

#### ARTICLE I

##### DECLARATION OF RIGHTS

##### Section 1. Freedom of Expression.

(A) The people shall have the right peaceably to assemble and to petition the government for a redress of grievances.

(B) Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

##### Section 2. Freedom of Religion.

No law shall be made respecting an establishment of religion, nor prohibiting the free exercise thereof.

##### Section 3. Right to Due Process and Equal Protection.

No person shall be deprived of life, liberty, or property, without due process of law; nor be denied the equal protection of the laws[nor be subject to discrimination by the State because of race, color, religion, or national origin.]



Section 4. Search and Seizure; Right to Privacy.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, interceptions of their communications, or other invasions of their privacy, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized, or the communications sought to be intercepted.

Section 5. Rights of Accused.

{A} A person accused of crime shall have the right to be informed of the nature and cause of the accusation in time to prepare his defense; to have the assistance of counsel for his defense; to be confronted with [and to examine under oath or affirmation] the witnesses against him; to have compulsory process for obtaining witnesses; and to have a speedy and public trial by an impartial jury of twelve without whose unanimous consent he shall not be adjudged guilty.

~~{B}--An-accused, except in cases punishable by death or life imprisonment, shall be entitled to release pending trial conditioned only upon such bail or other terms as are reasonably necessary to secure his appearance before the court.~~

Section 6. Right Against Self-Incrimination and Double Jeopardy.

(A) No person shall be compelled in any criminal case to be a witness against himself.

(B) No person shall be twice put in jeopardy of criminal punishment for the same offense.

Section 7. Right to Jury trial in Civil Cases.

Every person shall have the right of trial by jury of all issues of fact in civil proceedings in the several courts of law in this State where the amount or value in controversy exceeds such minimum as may be fixed by law. ~~The jury shall consist of not less than six as may be fixed by law, and a unanimous decision of the jury shall be required to constitute its verdict.~~ [The jury shall consist of not less than twelve. The General Assembly may provide by law for a jury of not less than six in the District Court. A unanimous decision of any jury shall be required to constitute its verdict.]





Section 8. Unusual Punishments.

(A) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

(B) No conviction of crime shall work corruption of blood or forfeiture of estate.

Section 9. Limitations on State Action.

(A) The right to the writ of habeas corpus, and the provisions of this constitution, shall not be suspended.

(B) Private property shall not be taken or damaged for public use or purposes without just compensation.

(C) No bill of attainder, or ex post facto law, or law impairing the obligation of contracts shall be enacted.

[Section . Right to Organize and Bargain Collectively.

Employees shall have the right to organize and bargain collectively through representatives of their own choosing, subject to such procedural regulations as the General Assembly may prescribe by law.]

Section 10. Reserved Rights.

The enumeration of rights in this Constitution shall not be construed to impair, disparage or deny others retained by the people.

WHICH WAS READ

\* \* \*

At 10:10 A.M. Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided at 10:10 A.M.

Mr. Gallagher, Chairman of the Committee on the Legislative Branch reported Committee Recommendation No. LB-3:

\* \* \*

A RECOMMENDATION that portions of Article 3 of the new Constitution dealing with the Legislative Branch provide for congressional redistricting procedure, continuity of government during emergencies and limitations on corporate charters, to read as follows:



Section 3.03b. Congressional Districts.

The State shall be divided by law into congressional districts for the election of members of the United States House of Representatives. The difference between the populations of the largest and smallest congressional districts in the State shall not exceed ten per cent of the mean population of all congressional districts. Each congressional district shall consist of adjoining territory and be compact in form. Due regard shall be given to natural boundaries and the boundaries of political subdivisions. The boundaries of congressional districts shall be established according to these standards immediately prior to the statewide congressional general election in 1972 and every tenth year thereafter.

Section 3.03c. Congressional Redistricting Procedure.

The commission on legislative redistricting shall submit a congressional redistricting plan to the Governor who shall transmit the plan to the General Assembly by the first day of the regular session in any year in which congressional redistricting is to be effective. The General Assembly shall enact either the commission plan or a congressional redistricting plan of its own.

Section 3.19. Continuity of Government During Emergencies.

The General Assembly shall provide by public general law for the continuity of state and local public offices and governmental operations during the period of any emergency caused by disasters or enemy attack. The General Assembly may provide by public general law for the temporary suspension, during the period of any such emergency only, of provisions of this constitution relating to the continuity of state and local public offices and governmental operations.

Section 3.17ab. Corporation Charters.

Corporations may be formed under general Laws, but shall not be created by special act, and except in cases where no general Laws exist, providing for the creation of corporations of the same general character, as the corporation proposed to be created; and any act of incorporation passed in violation of this section shall be void. All charters granted, or adopted, in pursuance of this section, and all charters heretofore granted and created, subject to repeal or modification, may be altered, from time to time, or be repealed; provided, nothing herein contained shall be construed to extend to Banks, or the incorporation thereof. The General Assembly shall not alter or amend the charter of any corporation existing on December 3, 1891, or pass any other general or special law for the benefit of such corporation except upon the condition that such corporation shall surrender all claim to exemption from taxation or





from the repeal or modification of its charter, and that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and any corporation chartered by this State which shall accept, use, enjoy, or in any wise avail itself of any rights, privileges, or advantages that may hereafter be granted or conferred by any general or special Act, shall be conclusively presumed to have thereby surrendered any exemption from taxation to which it may be entitled under its charter, and shall be thereafter subject to taxation as if no such exemption has been granted by its charter.

Amendment No. 1 to Committee Recommendation No. LB-3; Rv Delegates Gilchrist, Adkins, Carson, Fox, Freedlander, Hostetter, Rollins from the floor. The amendment was duly seconded

Strike out all of Section 3.03b. Congressional Districts.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Adkins, Barrick, Baumann, Beachley, Boyer, Burdette, Caldwell, Carson, Case, Clarke E.J., Darby, Della, Dorsey, Eckenrode, Fox, Frederick, Freedlander, Gilchrist, Harkness, Hickman, Hopkins, Hostetter, Jett, Kahl, Kirkland, Linton, Mason, Morgan, Neumann, Peters, Powers, Rollins, Rush, Smith M.H., Vecera, Weidemeyer, Wheatley. Total--37

Negative

Delegates--

President, James, Abramson, Anderson, Armor, Bamberger, Bard, Beall, Bennett, Boileau, Borom, Boyce, Bradshaw, Bryson, Buzzell, Chabot, Child, Cicone, Clagett, Dabrowski, Dukes, Dulany, Finch, Fornos, Gallagher, Gill, Gleason, Groh, Hargrove, Henderson, Hutchinson, Johnson, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Lord, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Pascal, Penniman, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, White, Willoner, Winslow. Total--82



## Not Voting

### Delegates -

Tawes, Clark J., Blair, Bothe, Boyles, Burgess, Bushong, Byrnes, Cardin, Cleveland, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Harris, Macdonald, Malkus, Miller E.T., Rybczynski, Siewierski, Storm, Willis.

Total - 23

Delegate Powers moved that the Committee of the Whole Rise and Report to the Convention that the Committee has under consideration Committee Recommendation LB-3.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE

At 11:57 A.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation LB-3.

## SPECIAL ORDERS OF THE DAY

Motion by Delegate Johnson to reconsider vote by which Committee Recommendation GP-4 was adopted on Second Reading.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

### Affirmative

#### Delegates -

Adkins, Anderson, Armor, Bamberger, Barrick, Boileau, Burdette, Caldwell, Carson, Case, Clagett, Della, Dorsey, Eckenrode, Freedlander, Gilchrist, Gleason, Grant, Groh, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Mentzer, Morgan, Mosner, Mudd, Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Rollins, Rosenstock, Rybczynski, Scanlan, Schneider, Singer, Smith J. H., Smith M.H., Sosnowski, Soul, Stern, Sybert, Tavior H.E., Ulrich, Weidemeyer, Willis, Willoner, Winslow.

Total -- 58

### Negative

#### Delegates -

James, Abramson, Bard, Baumann, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Buzzell, Byrnes, Chabot, Child, Cicone, Clark E. J., Dabrowski, Darby, Dukes, Dulany, Finch, Fox, Frederick, Gallagher, Gill, Grumbacher, Gullett, Hargrove, Harkness, Harris, Key, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Moser, Murphy,





Murray D. S., Needle, Pullen, Raley, Ritter, Robey F. C.,  
Robie K. L., Rush, Schloeder, Sherbow, Sickles, Smith A. W.,  
Sollins, Storm, Taylor L., Vecera, Wagandt, Webb, Wheatley,  
White.

Total -- 70

Not Voting

Delegates --

President, Tawes, Clark J., Boyles, Burgess, Bushong,  
Cardin, Cleveland, Fornos, Hanson, Hardwicke, Malkus,  
Miller E. T., Siewierski.

Total -- 14

Delegate Powers moved, duly seconded, that the Convention  
resolve itself into a Committee of the Whole to resume con-  
sideration of the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided. 12:22 o'clock P. M.

Consideration of Committee Recommendation No. LB-3  
resumed.

Amendment No. 2, to Committee Recommendation No. LB-3: By  
Delegate Weidemeyer from the floor. The amendment was duly  
seconded.

In Section 3.03b. Congressional Districts in line 13  
after the period strike out the remainder of this line and  
all of lines 14 through 20, inclusive, and the first three  
words of line 21, also the first four words in line 23  
"according to these standards".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates --

Abramson, Adkins, Barrick, Baumann, Boyer, Burdette, Caldwell,  
Carson, Case, Clarke E. J., Dabrowski, Darby, Della, Dorsey,  
Eckenrode, Fox, Frederick, Freedlander, Gilchrist, Groh,  
Harkness, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl,  
Kiefer, Kirkland, Morgan, Mudd, Murphy, Neumann, Penniman,  
Peters, Price, Pullen, Raley, Rosenstock, Rush, Rybczynski,  
Sherbow, Sickles, Smith M. H., Sosnowski, Soul, Storm, Vecera,  
Weidemeyer.

813

Total -- 49



Negative

Delegates --

President, Bamberger, Bard, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Chabot, Child, Cicone, Clagett, Dulany, Finch, Fornos, Gallagher, Gill, Gleason, Grant, Grumbacher, Gullett, Hardwicke, Hargrove, Henderson, \*Kosakowski, Koss, Leitzel, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Murray D. S., Murray E. C., Needle, Neilson, Powers, Robey F. C., Robie K. L., Rollins, Scanlan, Schloeder, Schneider, Singer, Smith A. W., Smith J. H., Sollins, Stern, Sybert, Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

\* Koger,

Total -- 67

Not Voting

Delegates --

Tawes, Clark J., James, Anderson, Armor, Borom, Boyles, Burgess, Bushong, Cardin, Cleveland, Dukes, Hanson, Harris, Hostetter, Key, Linton, Lord, Malkus, Miller E. T., Pascal, Ritter, Siewierski, Taylor H. E., Webb, Wheatley.

Total -- 26

Amendment No. 3, to Committee Recommendation No. LB-3, by Delegates Scanlan and Bothe,

In Section 3.17ab. Corporation Charters in line 35 strike out the words, "all charters granted " and lines 36 through 50, inclusive, on page 2 and all of lines 1 through 9, inclusive, on page 3; and insert in lieu thereof the following:

"With the exception of the first sentence through "The provisions of Article Three, Section 48 of the Constitution of 1867 shall remain in effect as part of this Constitution."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Adkins, Boileau, Bothe, Boyce, Boyer, Eckenrode, Raley, Scanlan, Schloeder, White, Willoner, Winslow.

Total -- 12





## Negative

### Delegates--

President, James, Abramson, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willis.

Total--103

## Not Voting

### Delegates--

Tawes, Clark J., Baumann, Borom, Boyles, Burgess, Bushong, Cardin, Cleveland, Della, Dukes, Fox, Grant, Hanson, Hardwicke, Harris, Hostetter, Jett, Key, Koss, Lord, Malkus, Miller E.T., Murray E.C., Siewierski, Smith J.H., Taylor L.

Total--27

COMMITTEE RECOMMENDATION NO. LB-3 WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

President, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, White, Willis, Willoner, Winslow.

Total--112



Negative

Delegates --

Kahl and Weidemeyer.

Total -- 2

Not Voting

Delegates --

Tawes, Clark J., Borom, Bothe, Boyles, Burgess, Bushong, Cardin, Carson, Cleveland, Della, Dukes, Frederick, Hanson, Hardwicke, Harris, Hostetter, Key, Koss, Lord, Malkus, Miller E. T., Murray E. C., Rush, Siewierski, Taylor L., Vecera, Wheatley.

Total -- 28

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. LB-3 and approved it.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:15 o'clock P. M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has approved Committee Recommendation No. LB-3.

The President referred Committee Recommendation No. LB-3 to the Committee on Style, Drafting and Arrangement.

At 1:20 o'clock P. M. on motion of Mr. Powers the Convention took a recess until 2:20 o'clock P. M.

At 2:20 o'clock P. M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, James, Abramson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan,





Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 130

#### REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 18. This Report covers matters in: General Order No. \_\_; Committee Report No. SF-1. Delegate Proposal No. \_\_.

\* \* \*

The Committee of the Whole has considered Committee Report No. SF-1 and recommends that it be adopted.

WHICH WAS READ.

Report of the Committee of the Whole No. 19. This Report covers matters in: Committee Report No. EB-1.

\* \* \*

The Committee of the Whole has considered Committee Report No. EB-1 and has taken the following action:

Recommendation No. 1 (that a Board of Public Works not be provided for in the Constitution). The Committee has taken no action with respect to this recommendation, inasmuch as the recommendation has been made a special order of business by the Convention.

Recommendation No. 2 (that the office of Comptroller not be provided for in the Constitution). The Committee has failed by an evenly divided vote to take any action with respect to the recommendation.

Recommendation No. 3 (that the office of Treasurer not be provided for in the Constitution). The Committee has approved this recommendation as submitted.

Recommendation No. 4 (that the office of Attorney General not be provided for in the Constitution). The Committee has approved the recommendation as amended.

Recommendation No. 5 (that the following offices not be provided for in the Constitution: Secretary of State; Coroners, Elisors and Notaries Public; Surveyors; State Librarian). The Committee has approved this recommendation as submitted.

The actions of the Committee of the Whole are indicated in the attachments to this Report.

WHICH WAS READ.



Committee Report No. EB-1.

\* \* \*

1) The Committee recommends that a Board of Public Works not be provided for in the Constitution. (no action by the Committee of the Whole)

2) The Committee recommends that the office of Comptroller not be provided for in the Constitution. (no action by the Committee of the Whole)

3) The Committee recommends that the office of Treasurer not be provided for in the Constitution.

4) The Committee recommends that the office of Attorney General ~~not~~ be provided for in the Constitution.

5) The Committee recommends that the following offices not be provided for in the Constitution: Secretary of State; Coroners, Elisors and Notaries Public; Surveyors; State Librarian.

Report of the Committee of the Whole No. 20. This Report covers matters in Committee Report No. EB-1.

\* \* \*

The Committee of the Whole has considered Recommendation No. 1 of the Committee Report No. EB-1 and has approved the recommendation as amended and indicated in the attachment to this Report.

WHICH WAS READ.

Committee Report No. EB-1.

\* \* \*

A REPORT on the proposed omission from the Constitution of a Board of Public Works.

1. The Committee recommends that ~~the~~(a)Board of ~~Public Works-not-~~(Review)be provided for in the Constitution.

(Recommendations 2, 3, 4, and 5 are not reproduced because not covered by Committee of the Whole Report No. 20)

Delegates Bothe and Morgan offered a Memorandum on R&P-1.

The complete text of Section 7 of the National Labor Relations Board as amended by the Taft-Hartley Act is as follows:





"Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3)."

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Delegate Powers moved, duly seconded, the rules be suspended and the calendar so amended to allow consideration of Committee Recommendation No. GP-12 under the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to resume consideration of the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided. 2:35 o'clock P. M.

Mr. Mudd, Chairman of the Committee on the Judicial Branch, reported Committee Recommendation No. JB-2.  
\* \* \*

A RECOMMENDATION that the Constitution contain a provision requiring that the full cost of the judicial system be borne by the State, the provision to read as follows:

Section \_\_\_\_ . Cost of Judicial Branch.

The cost of operation and administration of the Judicial Branch of the State Government shall be borne exclusively by the State, and all revenues derived from the operation and administration of the Judicial Branch shall inure to the State.

COMMITTEE RECOMMENDATION NO. JB-2 WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates --

President, Bamberger, Bard, Baumann, Beachley, Beall, Blair, Boileau, Borom, Boyce, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Key, Kiefer, Koger, Kosakowski, Koss, Linton, Macdonald, Marion, Maurer, Mentzer, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rybczynski, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Weidemeyer, Wheatley, White, Willis, Winslow.

Total -- 90

## Negative

### Delegates --

Hostetter, Kirkland, Rush, Webb.

Total -- 4.

## Not Voting

### Delegates --

Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Barrick, Bennett, Bothe, Boyer, Boyles, Bushong, Byrnes, Cardin, Cleveland, Della, Dorsey, Dukes, Fox, Frederick, Gallagher, Gleason, Hanson, Hardwicke, Harris, Jett, Johnson, Kahl, Leitzel, Lord, Malkus, Mason, Miller B., Miller E. T., Mitchell, Murphy, Pascal, Price, Pullen, Robey F. C., Scanlan, Schloeder, Schneider, Siewierski, Storm, Vecera, Willoner.

Total -- 48

Mr. Kiefer, Chairman of the Committee on Personal Rights and the Preamble, reported Committee Recommendation No. R&P-2.

\*\*\*

Delegate E. C. Murray, duly seconded, moved to reconsider the vote by which Amendment No. 16 to Committee Recommendation No. R&P-2 was adopted.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates --

Tawes, Bamberger, Barrick, Blair, Boileau, Borom, Bothe, Burdette, Burgess, Case, Child, Clagett, Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Groh, Harkness, Harris, Hutchinson, Jett, Johnson, Kahl, Kosakowski, Murray E. C., Neilson, Peters, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rybczynski, Siewierski, Singer, Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Webb, Weidemeyer, Wheatley, Willis, Willoner.

Total -- 54

## Negative

### Delegates --

James, Armor, Bard, Beachley, Beall, Bennett, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Carson, Chabot, Cicone, Dulany, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hickman, Hopkins, Hostetter, Kiefer, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Needle, Neumann, Penniman, Powers, Scanlan, Schloeder, Schneider, Sherbow, Siokles, Smith A. W., Smith J. H., Wagandt, White, Winslow.

Total-56

## Not Voting

### Delegates --

President, Clark J., Abramson, Adkins, Anderson, Baumann, Boyer, Boyles, Bushong, Caldwell, Cardin, Clarke E. J., Cleveland, Dukes, Fornos, Fox, Frederick, Freedlander, Gallagher, Hardwicke, Key, Kirkland, Koger, Leitzel, Linton, Malkus, Miller E. T., Murphy, Pascal, Price, Rush, Vecera.

Total -- 32

Delegate Bothe, duly seconded, moved to reconsider the votes by which Amendment No. 18 was adopted and Amendment No. 17 was not adopted.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:



## Affirmative

### Delegates --

President, Abramson, Bamberger, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burgess, Case, Clagett, Dulany, Gallagher, Grumbacher, Hanson, Hargrove, Harris, Henderson, Jett, Johnson, Key, Kirkland, Linton, Lord, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Needle, Neilson, Scanlan, Schloeder, Sickles, Siewierski, Singer, Sollins, Stern, Ulrich, Wagandt, Willoner, Winslow.

Total -- 46

## Negative

### Delegates --

Tawes, James, Armor, Bard, Barrick, Beachley, Beall, Boyles, Burdette, Buzzell, Byrnes, Carson, Chabot, Child, Cicone, Clarke E. J., Dabrowski, Darby, Dorsey, Eckenrode, Finch, Gill, Gleason, Grant, Groh, Gullett, Harkness, Hickman, Hopkins, Hostetter, Kahl, Kiefer, Kosakowski, Mason, Morgan, Mosner, Murray D. S., Murray E. C., Neumann, Peters, Powers, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rybczynski, Schneider, Sherbow, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Soul, Storm, Sybert, Taylor H. E., Webb, Weidemeyer, Wheatley, White, Willis.

Total -- 63

## Not Voting

### Delegates --

Clark J., Adkins, Anderson, Baumann, Boyer, Bushong, Caldwell, Cardin, Cleveland, Della, Dukes, Fornos, Fox, Frederick, Freedlander, Gilchrist, Hardwicke, Hutchinson, Koger, Koss, Leitzel, Macdonald, Malukus, Miller E. T., Mudd, Murphy, Pascal, Penniman, Price, Robey E. C., Rush, Taylor L., Vecera.

Total -- 33

COMMITTEE RECOMMENDATION NO. R&P-2 WITH RESPECT TO SECTIONS 10, 11, and 13 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:





## Affirmative

### Delegates --

President, Tawes, James, Armor, Bard, Barrick, Beachley, Beall, Blair, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Gullett, Hanson, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Peters, Powers, Pullen, Ritter, Robie K. L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Soul, Taylor H. E., Ulrich, Wagandt, Weidemeyer, Wheatley, White, Winslow.

Total -- 93

## Negative

### Delegates --

Bamberger, Bennett, Boileau, Borom, Bothe, Grumbacher, Kirkland, Raley, Rollins, Sollins, Sosnowski, Stern, Storm, Sybert, Taylor L., Willis, Willoner.

Total -- 17

## Not Voting

### Delegates --

Clark J., Abramson, Adkins, Anderson, Baumann, Boyer, Bushong, Caldwell, Cardin, Cleveland, Della, Dorsey, Dukes, Fox, Frederick, Gilchrist, Hardwicke, Harkness, Key, Koger, Leitzel, Malkus, Miller E. T., Mitchell, Mudd, Murphy, Penniman, Price, Robey F. C., Rush, Vecera, Webb.

Total -- 32

Mr. Wheatley, from the Committee on General Provisions, reported on Committee Recommendation No. GP-12.

\* \* \*

A RECOMMENDATION that the Constitution include a provision on effective date to read as follows:

"This Constitution shall become effective, and the Constitution of 1867 as amended shall cease to be effective, on July 1, 1968, except as otherwise specifically provided in the Schedule of Transitional Provisions attached to this Constitution."



COMMITTEE RECOMMENDATION NO. GP-12 WAS APPROVED BY  
YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, James, Abramson, Armor, Bard, Barrick, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Carson, Chabot, Child, Cicone, Clagett, Clarke E. J., Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Gilchrist, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koss, Macdonald, Marion, Maurer, Mentzer, Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Pullen, Raley, Ritter, Robey F. C., Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Stern, Storm, Sybert, Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 103

Negative

Delegates --

None

Not Voting

Delegates --

Clark J., Adkins, Anderson, Bamberger, Baumann, Bennett, Burgess, Bushong, Caldwell, Cardin, Case, Cleveland, Dabrowski, Della, Dukes, Fox, Frederick, Gill, Hardwicke, Key, Koger, Kosakowski, Litzel, Linton, Lord, Malkus, Mason, Miller B., Miller E. T., Murphy, Powers, Price, Robie K. L., Rollins, Rush, Rybczynski, Soul, Taylor H. E., Vecera.

Total -- 39

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that the Committee has concluded its consideration and approved Committee Recommendation No. JB-2, Committee Recommendation No. GP-12, and Committee Recommendation No. R&P-2 with respect to Sections 10, 11, and 13 as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.





At 5:05 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has approved Committee Recommendation No. JB-2, Committee Recommendation No. GP-12, and Committee Recommendation No. R&P-2 with respect to Sections 10, 11, and 13 as amended.

The President referred Committee Recommendation No. JB-2, Committee Recommendation No. GP-12, and Sections 10, 11, and 13 with its amendment of Committee Recommendation No. R&P-2 to the Committee on Style, Drafting and Arrangement.

#### REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 23. This Report covers matters in: General Order No. 17; Committee Recommendation No. GP-6; Delegate Proposals Nos. 9, 29, 66, 71, 122, 123, 128, 150, 183, 186, 202, 203, 241, 261, 271, 276, 299, 341, 372, 389, 408, 435.

\* \* \*

The Committee of the Whole has considered Committee Recommendation No. GP-6 and has approved it with amendments as indicated in the attachment to this Report.

WHICH WAS READ.

Committee Recommendation No. GP-6, as amended by Committee of the Whole, December 19, 1967.

\* \* \*

A RECOMMENDATION that the Constitution include an article entitled "Education" to read as follows:

~~Section-1: The-General-Assembly-shall-provide-for-a statewide-system-of-public-education-and-for-other-public-educational-institutions-that-are-desirable-or-necessary-for the-intellectual,-cultural-and-occupational-development-of the-residents-of-this-State.~~

(Section \_\_\_\_ . Public Education.)

(The State shall provide by law for a statewide system of free public schools headed by a governing board appointed by the Governor. The State shall also provide by law for such other public educational institutions and services as may be necessary or desirable for the intellectual, cultural and occupational development of the people of the State.)

~~Section-2:--The-General-Assembly-shall-provide-by-law-for equal-educational-opportunities-for-all-residents.~~

~~Section-3:--The-school-fund-of-the-State-shall-be-kept inviolate-and-appropriated-only-to-the-purposes-of-education.~~



Section-4.--The-General-Assembly-shall-maintain-and support-a-statewide-system-of-free-public-schools-as-defined by-law.--There-shall-be-a-state-board-of-education, composed of-members-representing-geographic-areas-and-appointed-by-the-Governor-in-accordance-with-law.--The-State-board-of-education shall-formulate-policy-and-exercise-control-and-direction-over the-public-school-system-and-shall-perform-such-other-duties-as-may-be-assigned-to-it.--The-board-shall-appoint-a-state-superintendent-of-schools-who-shall-be-its-executive-and professional-officer.

Section-5.--Each-local-school-system-shall-be-managed by-a-local-school-board-appointed-by-the-Governor-or-elected-in-such-manner-as-provided-by-law, provided-that-all-local-school-boards-shall-be-permitted-to-retain-their-present-method-of-selection-but-should-there-be-a-change-proposed-in-the-method presently-employed-in-selecting-such-local-school-board-or-the-existing-fiscal-authority-of-such-board-as-it-shall-be constituted-at-the-effective-date-of-this-article, such-change or-changes-shall-be-first-subjected-to-a-referendum-for-the approval-of-the-voters-of-such-system-or-systems-to-be-affected.

Section-6.--The-state-university-or-universities-and-the system-of-state-colleges-shall-be-managed-respectively-by-a-board-of-regents-of-the-state-university-or-universities-and-a-board-of-trustees-of-the-state-colleges-appointed-by-the Governor-in-accordance-with-law.--The-board-of-regents-of-the state-university-or-universities-and-the-board-of-trustees-of-the-state-colleges, respectively, shall-have-general supervision-of-their-institution-or-institutions-and-control-and-direction-of-all-expenditures-of-the-funds-of-their-institution-or-institutions.

Section-7.--The-public-community-colleges, by-whatever-name-they-may-hereafter-be-known, shall-be-controlled-by local-boards-in-accordance-with-law-and-shall-be-under-the general-supervision-of-a-state-board.--The-local-board-of-trustees-shall-have-general-supervision-of-the-local-institution or-institutions-and-the-control-and-direction-of-all expenditures-from-the-institution's-funds.

Section-8.--There-shall-be-a-state-advisory-council-of-higher-education, in-accordance-with-law, to-assist-in-the coordinating-of-programs-of-higher-education-in-this-State.

(Section \_\_\_\_ . Higher Education.)

(The governing boards provided by law for the University of Maryland, the State Colleges and all other state institutions of higher education, including community colleges, shall formulate policies for their respective institutions and shall have general supervision thereof in all academic matters. Such boards may by law be granted such additional powers of supervision, direction and control of their respective institutions and the expenditure of the funds thereof as the General Assembly may deem to be appropriate.)





~~Section-9:--The-General-Assembly-shall-provide-for-  
and-maintain-by-law-a-statewide-system-of-public-libraries-~~

Report of the Committee of the Whole No. 24. This Report  
covers matters in: General Order No. 20; Committee  
Recommendation No. GP-7; Delegate Proposal Nos. 11, 290, 321.  
\* \* \*

The Committee of the Whole has considered Committee Recommendation No. GP-7 and has approved the Recommendation as submitted.

WHICH WAS READ.

Report of the Committee of the Whole No. 25. This Report  
covers matters in: General Order No. 21; Committee  
Recommendation No. GP-8; Delegate Proposal Nos. 9, (11), 390.  
\* \* \*

The Committee of the Whole has considered Committee Recommendation No. GP-8 and has approved it with amendments as indicated in the attachment to this Report.

WHICH WAS READ.

Committee Recommendation No. GP-8, as amended by the Committee  
of the Whole December 19, 1967.  
\* \* \*

A RECOMMENDATION that the Constitution include a provision on constitutional convention to read as follows:

The General Assembly may by law call a constitutional convention at any time or may at any time submit to the voters of the State the question of calling a constitutional convention. If the question of calling a convention shall not have been submitted to the voters of the State for a period of ~~twenty-five~~ (twenty) years, then it shall be submitted at the next general election. A convention shall be held within ~~one-year~~ (two years) after a majority of those voting on the question approve the calling of a convention (or within two years after the General Assembly calls a convention). Within sixty days after such approval (by the voters or within sixty days after the General Assembly calls a convention), the Governor shall appoint a commission to prepare for the convention. At ~~its-next~~ (not later than the second) regular session following such approval, the General Assembly shall provide by law for the assembling of the convention, the election of delegates, the filling of vacancies in the position of delegate, and the appropriation of sufficient funds for the work of the convention. The convention shall adopt its own rules of procedure. Any proposal recommended by the convention for changing the constitution shall be submitted to the voters of the State for adoption, and shall be effective only if approved by the affirmative vote of a majority of those voting thereon.



Report of the Committee of the Whole No. 26. This Report covers matters in: General Order No. 22; Committee Recommendation No. GP-9; Delegate Proposal No. 319.

\* \* \*

The Committee of the Whole has considered Committee Recommendation No. GP-9 and has approved it with amendments as indicated in the attachment to this Report.

WHICH WAS READ.

Committee Recommendation No. GP-9, as amended by Committee of the Whole, December 19, 1967.

\* \* \*

A RECOMMENDATION that the Constitution contain the following-provision-dealing-with-the-adoption-by-the-State of-the-Common-Law-of-England,-such-of-the-English-Statutes which-are-applicable-to-local-circumstances,-the-Acts-of-Assembly-which-are-appropriately-enforceable-and-entitling the-citizens-of-Maryland-to-all-property-derived-by-Charter from-the-King,-to-read-as-follows: (provisions dealing with the effect of this Constitution on existing legislation and on enumerated legal writs, actions and proceedings as follows:)

That-the-Inhabitants-of-Maryland-are-entitled-to-the Common-Law-of-England-according-to-the-course-of-that-law, and-to-the-benefit-of-such-of-the-English-Statutes-as-existed on-the-Fourth-day-of-July,-seventeen-hundred-and-seventy-six,-and-which,-by-experience,-have-been-found-applicable to-their-local-and-other-circumstances,-and-have-been introduced,-used-and-practiced-by-the-Courts-of-Law-or-Equity,-and-also-of-all-Acts-of-Assembly-in-force-on-the first-day-of-June,-eighteen-hundred-and-sixty-seven,-except-such-as-may-have-since-expired,-or-may-be-inconsistent-with the-provisions-of-this-Constitution,-subject-nevertheless, to-the-revision-of,-and-amendment-or-repeal-by,-the--Legislature-of-this-State.--And-the-inhabitants-of-Maryland are-also-entitled-to-all-property-derived-to-them-from,-or under-the-Charter-granted-by-His-Majesty-Charles-the-First to-Caeilius-Calvert,-Baron-of-Baltimore-

(All legislation, including local legislation, and all other law, including common law, in force on June 30, 1968, insofar as not in conflict with this Constitution, shall continue in force until it expires by its own limitation, or is lawfully changed, and all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, property titles and rights shall continue unaffected except as modified in accordance with the provisions of this Constitution.)





Report of the Committee of the Whole No. 27. This Report covers matters in: General Order No. 23; Committee Recommendation No. GP-10; Delegate Proposal No. 9.

\*\*\*

The Committee of the Whole has considered Committee Recommendation No. GP-10 and has approved it with amendments as indicated in the attachment to this Report.

WHICH WAS READ.

Committee Recommendation No. GP-10, as amended by Committee of the Whole, December 19, 1967.

\*\*\*

A RECOMMENDATION that the Constitution include a provision on impeachment to read as follows:

The House of Delegates shall have the sole power of impeachment of elected (state) officials, judges and any other state officers who may be designated by law, in cases of serious crimes or serious misconduct in office. The affirmative vote of three-fifths of all the members of the House of Delegates shall be required to impeach. Impeachments shall be tried by a special tribunal of ten judges appointed by the Court of Appeals from among the judges of the State. The concurrence of three-fifths of the judges of the special tribunal shall be required to convict. Judgment upon conviction shall be removal from office and may include disqualification from holding any office of public trust, as well as deprivation of pension rights and other privileges of office. A person tried upon impeachment, whether or not convicted, shall be liable to criminal prosecution and punishment according to law.

At 5:20 o'clock P. M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Thursday, December 21, 1967, at 1:00 o'clock P. M.



CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland

Thursday, December 21, 1967

The Convention met at 1:00 P.M.

Invocation was offered by the Reverend F. Norman Van Brunt, St. Paul's Methodist Church, Hagerstown, Maryland.

Present at roll call were the following delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 133

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.





## REPORTS OF OTHER STANDING COMMITTEES

### Report of the Committee of the Whole No. 22

This Report Covers Matters In: General Order No. 19, Committee Recommendation No. R&P-2, Delegate Proposal No. 31, 34 (in part), 36, 76, 121 (in part), 135, 161, 178, 287, 393 (in part), 411, 428, 444.

\* \* \*

The Committee of the Whole has considered Committee Recommendation No. R&P-2 and, except for Sections 10, 11 and 13, has approved it with amendments as indicated in the attachment to this Report.

WHICH WAS READ.

Committee Recommendation No. R&P-2  
As amended by Committee of the Whole  
December 15, 1967

A Recommendation that the Constitution contain provisions relating to articles of government, the administration of justice and the legal policies and limitations of the state, as follows:

#### Section-1,---Supremacy-of-the-Constitution of-the-United-States

~~The-Constitution-of-the-United-States,-and-the-Laws made,-or-which-shall-be-made,-in-pursuance-thereof,-and-all Treaties-made,-or-which-shall-be-made,-under-the-authority of-the-United-States,-are,-and-shall-be-the-Supreme-Law-of the-State,-and-the-Judges-of-this-State,-and-all-the-People of-this-State,-are,-and-shall-be-bound-thereby,-anything-in the-Constitution-or-Law-of-this-State-to-the-Contrary notwithstanding.~~

#### Section-2,---Reserved-Powers.

~~The-powers-not-delegated-to-the-United-States-by-the Constitution-thereof,-not-prohibited-by-it-to-the-States, are-reserved-to-the-States-respectively,-or-to-the-people thereof.~~

#### Section-3,--Separation-of-Powers.

~~The-legislative,-executive,-and-judicial-powers-of government-shall-be-forever-separate-and-distinct-from-each other,-and-no-person-exereising-the-functions-of-one-of-these departments-shall-assume-or-discharge-the-duties-of-any-other.~~



#### Section 4.---Suspension-of-Laws.

No-power-of-suspending-Laws-or-the-execution-of-Laws,  
unless-by,-or-derived-from-the-Legislature,-shall-be-exercised,  
or-allowed.

#### Section 5. Limitation of Holding Office.

That no person shall hold, at the same time, more than  
one office of profit, created by the Constitution or Laws of  
this State. The-position-of-Notary-Public-shall-not-be-consid-  
ered-an-office-of-profit-within-the-meaning-of-this-section,  
[, except as may be provided by law.]

#### Section 6.---Adoption-of-Common-Law.

That-the-Inhabitants-of-Maryland-are-entitled-to-the  
Common-Law-of-England-according-to-the-course-of-that-Law,  
and-to-the-benefit-of-such-of-the-English-Statutes-as  
existed-on-the-Fourth-day-of-July,-seventeen-hundred-and  
seventy-six,-and-which,-by-experience,-have-been-found  
applicable-to-their-local-and-other-circumstances,-and-have  
been-introduced,-used-and-practiced-by-the-Courts-of-Law  
or-Equity,-and-also-of-all-Acts-of-the-General-Assembly-in  
force-on-the-effective-date-of-this-Constitution,-except-as  
may-be-inconsistent-with-the-provisions-of-this-Constitution,  
subject-nevertheless,-to-the-revision-of,-and-amendment-or  
repeal-by,-the-General-Assembly.--And-the-Inhabitants-of  
Maryland-are-also-entitled-to-all-property-derived-to-them-from,  
or-under-the-Charter-granted-by-his-Majesty-Charles-the-First  
to-Caeilius-Calvert,-Baron-of-Baltimore.

#### Section 7. Right to Sue State and Local Governments.

The doctrine of sovereign immunity may not be pleaded  
as a defense in suits against the state, its instrumentalities  
and its political subdivisions except to the extent and in the  
manner as shall be permitted by law. [Any law enacted by the  
General Assembly pursuant to this section shall be a public  
general law.]

#### Section 8.---Right-of-Removal-of-Civil-Cases.

-In-all-actions-at-law-exceeding-the-jurisdictional  
amount-provided-by-law-or-when-the-court-sits-in-equity,  
a-party-after-suggestion-under-oath-that-he-cannot-have-a  
fair-and-impartial-trial-in-the-court-in-which-the-same-is-  
pending,-the-court-shall-order-said-cause-removed-to-another  
court.





## Section 9.--Economic Opportunity

It shall be the policy of the state that all persons shall have economic security, the opportunity for employment and the means to provide for themselves and their families a standard of living based upon decency, dignity, and health. The General Assembly shall implement this policy.

## Section 10.--Criminal Jury, Judge of Law and Fact.

In the trial of all criminal cases, the jury shall be the judges of the law, as well as of fact, except that the court may pass upon the sufficiency of the evidence to sustain a conviction.-- (Not covered by this Report - still pending in Committee of the Whole.)

## Section 11. Grand Jury Indictment as a Right of the Accused.

No person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia when in actual service in time of war or public danger. [No person shall be held to answer for a felony unless on indictment of a grand jury, except in cases arising in the militia while in actual service.] (Not covered by this Report - still pending in Committee of the Whole).

## Section 12. Right of Removal of Criminal Cases.

In felony cases, after suggestion under oath by the accused that he cannot have a fair and impartial trial in the court where the case may be pending, that court shall order the case removed for trial. [In cases punishable by death or life imprisonment after suggestion under oath in writing of either of the parties that such party cannot have a fair and impartial trial in the court where the case may be pending, that court shall order the case removed to another county for trial. All other criminal cases may be removed only as permitted by the Court of Appeals by rule or the General Assembly by law.]

## Section 13. Imprisonment for Debt.

No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by decree of said court for the support of a wife or dependent children, or for the support of an illegitimate child or children, or for alimony, shall not constitute a debt within the meaning of this section. (Not covered by this Report - still pending in Committee of the Whole).

## [Section 14. Legislative and Executive Investigations.]

[No person's right to fair and just treatment in the course of legislative or executive investigations shall be infringed.]



Report of the Committee of the Whole No. 28

This Report Covers Matters In: General Order No. 27,  
Committee Recommendation No. LB-3, Delegate Proposal No. 234.  
\* \* \*

The Committee of the Whole has considered Committee  
Recommendation No. LB-3 and has approved the Recommendation  
as submitted.

WHICH WAS READ.

\* \* \*

Report of the Committee of the Whole No. 29

This Report Covers Matters In: General Order No. 28,  
Committee Recommendation No. JB-2.

The Committee of the Whole has considered Committee  
Recommendation No. JB-2 and has approved the Recommendation  
as submitted.

WHICH WAS READ.

Mr. Penniman, Chairman of the Committee on Style, Drafting  
and Arrangement offered Report No. S&D-8. This Report covers  
matters in Committee of the Whole Report No. 8.

A Report concerning Committee Recommendation No. JB-1.

\* \* \*

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR  
AND AGENDA

SECOND READING OF COMMITTEE RECOMMENDATIONS

Committee Recommendation No. GP-3

Mr. Penniman, Chairman of the Committee on Style, Drafting  
and Arrangement reported on Report No. S&D-6. This Report covers  
matters in Committee of the Whole Report No. 6, December 19, 1967.

The Committee on Style, Drafting and Arrangement recommends  
that the Committee Recommendation No. GP-3 read as indicated in  
the attached recommendation.

The words "environment" and "resources" were transposed  
to emphasize the point made in the Committee of the Whole that  
it was the natural environment and not the man-made environment  
which was to be conserved.

AMENDMENTS IN COMMITTEE REPORT NO. S&D-6 CONCERNING COM-  
MITTEE RECOMMENDATION GP-3 WERE ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:





## Affirmative

### Delegates--

President, Tawes, James, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Blair, Boileau, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dukes, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Macdonald, Marion, Mason, Maurer, Miller B., Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Powers, Price, Pullen, Raley, Ritter, Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Willoner, Winslow. Total--96

## Negative

### Delegates--

Della, Frederick, Mentzer, Murphy. Total--4

## Not Voting

### Delegates--

Clark J., Abramson, Adkins, Beall, Bennett, Borom, Bothe, Boyce, Boyles, Burgess, Bushong, Byrnes, Caldwell, Cardin, Clarke E.J., Cleveland, Dorsey, Finch, Gilchrist, Gleason, Hardwicke, Hargrove, Harris, Hostetter, Key, Linton, Lord, Malkus, Miller E.T., Mitchell, Mosner, Pascal, Peters, Robey F.C., Robie K.L., Rush, Singer, Stern, Storm, Taylor L., Vecera, White. Total--42

## Committee Recommendation No. GP-3

### NATURAL RESOURCES

Section \_\_\_\_\_. Natural Resources

The General Assembly shall provide by law for the conservation, enhancement, improvement and protection of the natural environment and resources and environment, and of the scenic beauty of the State.

COMMITTEE RECOMMENDATION GP-3 AS AMENDED WAS ADOPTED ON SECOND READING BY YEAS AND NAYS AS FOLLOWS.



## Affirmative

### Delegates--

President, Tawes, James, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Blair, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dukes, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gill, Grant, Groh, Grumbacher, Gullett, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Macdonald, Marion, Mason, Maurer, Miller B., Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Powers, Price, Pullen, Raley, Ritter, Rollins, Rosenstock, Rybczynski, Schloeder, Sherbow, Sickles, Smith A.W., Smith J.H., Sollins, Sosnowski, Soul, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Wheatley, Willis, Willoner.

Total--87

## Negative

### Delegates--

Adkins, Boileau, Della, Frederick, Hanson, Harkness, Hutchinson, Mentzer, Morgan, Murphy, Scanlan, Schneider, Siewierski, Smith, M.H., Weidemeyer, Winslow.

Total--16

## Not Voting

### Delegates--

Clark J., Abramson, Beall, Bennett, Borom, Bothe, Boyce, Boyles, Burgess, Bushong, Caldwell, Cardin, Cleveland, Dorsey, Finch, Gilchrist, Gleason, Hardwicke, Hargrove, Harris, Hostetter, Key, Linton, Lord, Malkus, Miller E.T., Mitchell, Mosner, Pascal, Peters, Robey F.C., Robie K.L., Rush, Singer, Stern, Storm, Taylor, L., Vecera, White.

Total--39

## Committee Recommendation LG-1

Mr. Penniman, Chairman of the Committee on Style, Drafting and Arrangement reported on Report No. S&D-7.

This report covers matters in Committee of the Whole Report No. 7. December 19, 1967.

The Committee on Style, Drafting and Arrangement recommends that the Committee Recommendation No. LG-1 read as indicated in the attached recommendation.

The definitions in the original section 7.01 are now placed in other parts of the article, viz., sections 7.01, 7.05 and 7.06. The word "region" does not appear in the article, but its definition has been included in the definition of multi-county governmental units in section 7.08.





The following sentences have been withdrawn from section 7.02 and will be reported in the schedule of transitory provisions.

Sentence 2; Within one year following the adoption of this Constitution the General Assembly shall provide by public general law a choice of procedures by which an instrument of government of a county may be proposed.

Sentence 4; The General Assembly shall provide by law an instrument of government which shall become effective on July 1, 1972, for those counties which have not previously adopted an instrument of government as provided in this section.

Sentence 5; The charter adopted by any county prior to July 1, 1972, shall be without further act, the instrument of government for that county.

Sentence 6; Other county governments existing at the effective date of this Constitution shall continue until changed pursuant to this Constitution.

In Section 7.04 the words "power to tax" were dropped from the first sentence and the words "judicial power" left there. The prohibition against exercise of the judicial power by a county is absolute; the limitation on the power to tax is clearly described in the last sentence and should not be coupled in identical language with an absolute prohibition. In the last sentence "may continue to exercise" was changed to "shall retain" to avoid the implication that a county had to exercise the taxing powers it has at the time of the adoption of this Constitution but that it shall retain them and exercise them at will. Also in the last sentence, effective date of this article was changed to effective date of this Constitution with the understanding that the schedule of transitory provisions would clarify or identify the precise date. If the schedule requires a change here, it would then be appropriately changed in this sentence.

The changes referred to in the second sentence of section 7.05 have been rearranged to make them conform with the order of similar terms in section 7.01.

In section 7.06 the term "civil units" has been replaced with the Committee's definition of that term to avoid the constitutional establishment of a new type of local government. Words changed in the last part of the one sentence in this section now conform to the words describing a similar provision of standards in the section proposed for inclusion in Article 3 on general application of laws.

The section originally identified as section 7.06, General Application of Laws, will be reported by the Committee on Style, Drafting and Arrangement as a part of the Legislative Branch article. It will indicate that (1) the General Assembly shall enact no public laws except general laws which in their terms and



effects apply throughout the State; (2) no county shall be exempt from a public general law; and (3) the General Assembly shall enact no local laws. However, the General Assembly is granted authority in the Constitution to enact such laws as those pertaining to multi-county governmental units which may or may not be general laws. The Recommendations of the substantive committees and the discussions in the Committee of the Whole appear to identify seven such areas as exceptions to the limitations against public local laws and they will be identified in the final language of this section in the article on the Legislative Branch.

As in section 7.05, the listing in section 7.08 of items that the General Assembly may provide has been rearranged to make them conform with the order of similar terms in section 7.01. It did not appear that "change" included anything not covered by the other items. The exclusion of "municipal corporations" in the definition of multi-county governmental units was dropped because they are adequately covered in sections 7.05, 7.06 and 7.07.

The last section, identified as section 8.06 in Committee Recommendation No. LG-1, will be included in the article on General Provisions.

The word "any" was added in line 29 to emphasize the fact that a charter provision, a county or a federal law would be included as well as a state law.

#### Committee Recommendation No. LG-1

Presented by the Committee on Local Government on November 7, 1967.

### LOCAL GOVERNMENT

#### ARTICLE 7. LOCAL GOVERNMENT

##### Section 7.01:--Definitions.

~~For the purposes of this Constitution, "county" shall include Baltimore City, each of the twenty-three existing counties and any other counties established pursuant to this Constitution; "municipal corporation" shall mean an incorporated city, town or village, but shall not include Baltimore City or any county; "civil unit" shall mean a unit of local government, other than a municipal corporation, comprising a part of the area of a county; and "region" shall mean an area comprising all or parts of two or more counties.~~

### COUNTIES

##### Section 7.02(1). Establishment of Counties.

(In this Constitution, county shall mean Baltimore City, each of the twenty-three existing counties, and other counties established





pursuant to this Constitution.) The General Assembly may provide by law for the establishment, merger, (or) dissolution (of counties,) and (or for the) alteration of (their) boundaries. ~~of-counties; but-n(N)o~~ such law shall become effective until submitted to the voters of each county affected and approved by a majority of those voting on the question in each ~~such~~ county (affected.)

#### Section 7.03(2). Structure of County Government.

Each county shall have a written instrument of government which establishes (its governmental) ~~the structure of-its-govern-~~ment. ~~Within-one-year-following-the-adoption-of-this-Constitution~~ ~~the-General-Assembly-shall-provide-by-public-general-law-a-choice~~ ~~of-procedures-by-which-an-instrument-of-government-of-a-county~~ ~~may-be-proposed;~~ An instrument of government shall be submitted for-adoption (to the voters of the county and shall be adopted if approved) by ~~the-affirmative-vote-of~~ a majority of ~~the-voters-of~~ the-county (those) voting thereon (on the proposal.) ~~The-General~~ ~~Assembly-shall-provide-by-law-an-instrument-of-government-which~~ ~~shall-become-effective-on-July-1,-1972,-for-those-counties-which~~ ~~have-not-previously-adopted-an-instrument-of-government-as-provided~~ ~~in-this-section;--The-charter-adopted-by-any-county-prior-to~~ ~~July-1,-1972,-shall-be-without-further-act,-the-instrument-of~~ ~~government-for-that-county;--Other-county-governments-existing-at~~ ~~the-effective-date-of-this-Constitution-shall-continue-until-changed~~ ~~pursuant-to-this-Constitution;~~

#### Section 7.04(3). Change of Structure of County Government.

An amendment to an instrument of government ~~of-a-county~~ ~~shall-become-effective-only-after-the-affirmative-vote-of-a~~ ~~majority-of~~ (may be proposed to) the voters of the (a) county ~~voting-on-the-amendment;--An-amendment-may-be-proposed~~ by the (its) governing body, or by petition of the voters in (the county) ~~accordance-with~~ (as provided in) the instrument of government, ~~or-by-such-additional~~ (Amendments may also be proposed by other) means ~~as-may-be~~ provided in the instrument of government or by the General Assembly by ~~public-general~~ law. (An amendment shall be adopted only if approved by a majority of those voting on the proposal.)

#### Section 7.05(4). Powers of Counties.

A county may exercise any power, other than (the) judicial power ~~and-power-to-tax,~~ or perform any function ~~which~~ (unless that power or function) ~~{1}~~ has ~~not~~ been denied to it by this Constitution or by its instrument of government, ~~(,)~~ (or) ~~{2}~~ has ~~not~~ been transferred exclusively to another governmental unit, ~~and~~ (or) ~~{3}~~ has ~~not~~ been denied to it by ~~a public-general~~ (the General Assembly by) law. A county may exercise (those) ~~such~~





tax(ing) powers ~~as may be~~ granted to it by law and ~~may continue to exercise~~ (shall retain) any tax(ing) powers granted to it prior to the effective date of this ~~Article~~ (Constitution), unless any of these powers are subsequently denied to it by law.

#### PUBLIC-GENERAL-LAWS

##### Section 7.06--General Application of Laws.

~~Except as otherwise provided in this Constitution and except with respect to appropriations and laws providing for and regulating the powers of departments, agencies or instrumentalities of the State performing a state and not a local function, the General Assembly shall enact no public local laws and shall enact only public general laws, which are defined as laws which in their terms and effects apply throughout the State.--The General Assembly may nevertheless enable any county or counties to exercise any power to perform any function denied to other counties, subject to such standards as the General Assembly may prescribe.--No county shall be exempt from a public general law.~~

#### MUNICIPAL CORPORATIONS AND CIVIL (INTRACOUNTY GOVERNMENTAL) UNITS

##### Section 7.07(5). Existing Municipal Corporations.

(Municipal corporation shall mean an incorporated city, town, or village, but shall not include Baltimore City or any other county.) Municipal corporations existing at the effective date of this ~~Article~~ (Constitution) may not be (merged or) dissolved, ~~merged,~~ (or have their boundaries altered) or have their existing powers withdrawn,) ~~or their boundaries changed,~~ without the consent of the governing bodies of the county and the municipal corporations affected, or except as the General Assembly may provide by ~~public-general~~ law.

##### Section 7.08(6). New-Municipal-Corporations-and-Civil (Intra-county Governmental) Units.

A county may provide by law for the creation of new municipal corporations and ~~civil~~ (other) units (of local government comprising a part of the area of the county) and may by law grant to and withdraw from them any and all powers of the county, subject ~~only~~ to ~~such~~ (any) procedures and standards ~~as~~ (that) the General Assembly may provide by ~~public-general~~ law.

##### Section 7.09(7). Additional Powers of Municipal Corporations.

The General Assembly by ~~public-general~~ law and (or) a ~~C~~(c)ounty may by law (may) grant additional powers to municipal corporations, and the granting authority may withdraw such powers.





## MULTI-COUNTY GOVERNMENTS

### Section 7.10(08). Establishment of Multi-County Governmental Units.

(Multi-county governmental units, including inter-governmental authorities and popularly elected representative regional governments, shall consist of all or part of two or more counties). The General Assembly may provide by law for the establishment, ~~powers, change, merger, (or) dissolution, and alteration of~~ boundaries of multi-county governmental units, or for the alteration of their boundaries, or for the powers they may exercise) ~~including intergovernmental authorities and popularly elected representative regional governments, but excluding municipal corporations.~~ The General Assembly may provide (for) referenda for (on) any law (pertaining to a) ~~establishing, affecting the powers of, or dissolving~~ popularly elected representative regional governments, ~~or the creation or alteration of their boundaries.~~

### Section 7.11(09). Financing of Intergovernmental Authorities.

The General Assembly (by law) or a popularly elected representative local government may by law (may) grant to (an) inter-governmental **authorities** (authority) the power to impose and to collect service or benefit charges, to borrow money, and to collect taxes imposed by the General Assembly or by the popularly elected representative local government, but may not grant the power to impose taxes.

## CREDIT LIMITATIONS

### Section 7.12(10). Credit Limitations of Local Governments.

Subject to **such** (any) restrictions ~~as may be~~ provided by law, the assets or credit of a unit of local government may (shall) not be given or ~~loaned~~ (lent) to any individual, association, or corporation unless a public purpose will be served thereby. The act of the governing body making the gift or loan shall state the public purpose to be served and no gift of credit or loan of credit or loan of assets shall be made without the consent of three-fifths of the members of the governing body.

## ARTICLE 8. GENERAL PROVISIONS INTERGOVERNMENTAL COOPERATION

### Section \_\_\_\_\_. Intergovernmental Cooperation and Agreements.

Any (A) governmental unit, except as limited by (any) law, may cooperate or agree with one or more other governmental (unit or) units, whether within or **outside** (without) the boundaries of the State, including the F(f)ederal and S(s)tate governments, for the exercise of any of its (powers and) functions ~~and powers.~~



Delegates Powers, duly seconded, moved that the convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided at 4:10 P.M.

Mr. Boyer, Chairman of the Committee on General Provisions reported on Committee Recommendation No. GP-5.

A RECOMMENDATION that the Constitution include a provision on State Jurisdiction over Federal Enclaves, to read as follows:

The State of Maryland hereby reserves as to all lands within the State hereafter acquired by the United States or any agency thereof, whether by purchase, lease, condemnation or otherwise, and as to all property, persons and transactions on any such lands, jurisdiction and authority to the fullest extent permitted by the Constitution of the United States and not inconsistent with the governmental uses, purposes, and functions for which the land was acquired or is used.

Amendment No. 1 to Committee Recommendation No. GP-5: by Delegates Storm, Jett from the floor. The amendment was duly seconded.

Strike out all of Section and insert in lieu thereof the following:

"Notwithstanding anything contained or omitted in any act or acts of the General Assembly ceding jurisdiction over lands within this State to the United States or in giving consent to the acquisition of any lands within this State by the United States or any agency thereof, whether by purchase, lease, condemnation or otherwise, the jurisdiction of the laws of this State over persons, property, transactions, acts or omissions of individuals or private corporations within the limits of or on such lands shall not cease or terminate, except to such extent as may be specifically required by an act of Congress. Nothing in this section shall be deemed or construed to restrict the jurisdiction and authority of this State over any lands, and the persons, property and transactions thereon, heretofore acquired by the United States. Any laws of this State continuing in effect within the limits of or on such lands shall not be effective if inconsistent with the governmental uses, purposes and functions for which the land was acquired or is used by the United States."





WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS  
FOLLOWS:

Affirmative

Delegates--

Adkins, Anderson, Barrick, Beachley, Boileau, Boyer, Bradshaw,  
Burdette, Buzzell, Caldwell, Chabot, Cicone, Clagett, Dabrowski,  
Dorsey, Dukes, Eckenrode, Finch, Grant, Groh, Gullett, Hickman,  
Hostetter, Hutchinson, Key, Kiefer, Kirkland, Kosakowski, Lord,  
Morgan, Neilson, Neumann, Pascal, Penniman, Pullen, Ritter,  
Rosenstock, Smith M.H., Sosnowski, Soul, Stern, Storm, Sybert,  
Taylor L., Webb, Weidemeyer, Wheatley, Willis. Total--48

Negative

Delegates--

President, James, Bamberger, Bennett, Blair, Bothe, Bryson,  
Burgess, Byrnes, Carson, Case, Darby, Dulany, Fornos, Fox, Free-  
lander, Gallagher, Gill, Grumbacher, Hargrove, Harkness, Henderson,  
Hopkins, Johnson, Kahl, Koger, Leitzel, Linton, Macdonald,  
Marion, Mason, Maurer, Mentzer, Mudd, Murray D.S., Murray E.C.,  
Peters, Powers, Raley, Robey F.C., Robie K.L., Rush, Rybczynski,  
Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski,  
Singer, Smith A.W., Smith J.H., Sollins, Taylor H.E., Ulrich,  
Wagandt, Willoner, Winslow. Total--58

Not Voting

Delegates--

Tawes, Clark J., Abramson, Armor, Bard, Baumann, Beall, Borom,  
Boyce, Boyles, Bushong, Cardin, Child, Clarke E.J., Cleveland,  
Della, Frederick, Gilchrist, Gleason, Hanson, Hardwicke, Harris,  
Jett, Koss, Malkus, Miller B., Miller E.T., Mitchell, Moser,  
Mosner, Murphy, Needle, Price, Rollins, Vecera, White. Total--36

COMMITTEE RECOMMENDATION GP-5 WAS NOT APPROVED BY YEAS AND  
NAYS AS FOLLOWS.

Affirmative

Delegates--

Barrick, Beachley, Bennett, Blair, Boyer, Caldwell, Chabot,  
Clagett, Eckenrode, Finch, Gill, Grant, Hostetter, Hutchinson,  
Key, Kirkland, Kosakowski, Linton, Lord, Miller B., Morgan,  
Pascal, Penniman, Pullen, Ritter, Robie K.L., Rybczynski, Smith  
A.W., Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Webb,  
Weidemeyer, Wheatley, Willis. Total--38



## Negative

### Delegates--

President, James, Adkins, Bamberger, Boileau, Bothe, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Carson, Case, Cicone, Dabrowski, Darby, Dorsey, Dukès, Dulany, Fornos, Fox, Freedlander, Gallagher, Grumbacher, Gullett, Hargrove, Harkness, Henderson, Hickman, Hopkins, Johnson, Kahl, Kiefer, Koger, Leitzel, Macdonald, Marion, Mason, Mentzer, Mudd, Murray D.S., Murray E.C., Neilson, Neumann, Peters, Powers, Raley, Robey F.C., Rush, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Taylor H.E., Ulrich, Wagandt, Willoner, Winslow. Total--65

### Not Voting

### Delegates--

Tawes, Clark J., Abramson, Anderson, Armor, Bard, Baumann, Beall, Borom, Boyce, Boyles, Bushong, Cardin, Child, Clarke E.J., Cleveland, Della, Frederick, Gilchrist, Gleason, Groh, Hanson, Hardwicke, Harris, Jett, Koss, Malkus, Maurer, Miller E.T., Mitchell, Moser, Mosner, Murphy, Needle, Price, Rollins, Rosenstock, Vecera, White. Total--39

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has not approved Committee Recommendation GP-5.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 5:52 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole considered Committee Recommendation GP-5 and refused to approve the Recommendation.

Consideration of Committee Recommendation LG-1 on second reading resumed.

Amendment No. 1 as amended by Report No. S&D-7 to Committee Recommendation No. LG-1, on second reading; by Delegate Chabot from the floor. The amendment was duly seconded.

In Section 7.01 Establishment of Counties strike out the following words: "In this Constitution, county"; and insert in lieu thereof the following: "County".





WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:

Affirmative

Delegates--

President, James, Adkins, Anderson, Bamberger, Barrick, Beachley,  
Bennett, Blair, Boyer, Bradshaw, Bryson, Burgess, Caldwell,  
Carson, Case, Chabot, Cicone, Clagett, Clarke E.J., Dabrowski,  
Darby, Dulany, Finch, Fornos, Freedlander, Gallagher, Grumbacher,  
Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hos-  
tetter, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Leitzel,  
Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Moser,  
Mudd, Murray D.S., Needie, Neilson, Neumann, Pascal, Penniman,  
Peters, Powers, Pullen, Raley, Robie K.L., Rush, Rybczynski,  
Scanlan, Schloeder, Sherbow, Sickles, Siewierski, Smith A.W.,  
Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm,  
Sybert, Taylor H.E., Ulrich, Wagandt, Willis, Willoner, Winslow.

Total--84

Negative

Delegates--

Boileau, Burdette, Buzzell, Byrnes, Eckenrode, Fox, Hopkins,  
Morgan, Robey F.C., Schneider.

Total--10

Not Voting

Delegates--

Tawes, Clark J., Abramson, Armor, Bard, Baumann, Beall, Borom,  
Bothe, Boyce, Boyles, Bushong, Cardin, Child, Cleveland, Della,  
Dorsey, Dukes, Frederick, Gilchrist, Gill, Gleason, Grant, Groh,  
Hardwicke, Harris, Hutchinson, Jett, Kirkland, Koss, Malkus,  
Miller B., Miller E.T., Mitchell, Mosner, Murphy, Murray E.C.,  
Price, Ritter, Rollins, Rosenstock, Singer, Taylor L., Vecera,  
Webb, Weidemeyer, Wheatley, White.

Total--48

Amendment No. 2 as amended by Report No. S&D-7 to Committee  
Recommendation No. LG-1 on second reading: by Delegates Moser,  
Barrick, Borom, Boyles, Bryson, Eckenrode, Gallagher, Grant,  
Hopkins, Leitzel, Needle, Neumann, Ulrich, Wagandt, Winslow from  
the floor. The amendment was duly seconded.

Section 7.04 Powers of Counties after the word "exercise"  
add the word "only";

strike out the words "by law and" and insert in lieu thereof  
the following words:

"by the General Assembly by law but".



WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:

Affirmative

Delegates--

James, Adkins, Barrick, Beachley, Bennett, Blair, Boileau,  
Boyer, Bradshaw, Bryson, Burgess, Buzzell, Byrnes, Caldwell,  
Carson, Case, Chabot, Cicone, Clarke E.J., Dabrowski, Darby,  
Dulany, Eckenrode, Finch, Fornos, Grant, Groh, Grumbacher,  
Gullett, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hos-  
tetter, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Koss,  
Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer,  
Miller B., Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle,  
Neilson, Neumann, Penniman, Peters, Powers, Raley, Ritter,  
Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan,  
Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer,  
Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul,  
Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt,  
Webb, Weidemeyer, Willis, Willoner, Winslow. Total--93

Negative

Delegates--

President, Bamberger, Burdette, Clagett, Fox, Freedlander,  
Gallagher, Hanson. Total--8

Not Voting

Delegates--

Tawes, Clark J., Abramson, Anderson, Armor, Bard, Baumann, Beall,  
Borom, Bothe, Boyce, Boyles, Bushong, Cardin, Child, Cleveland,  
Della, Dorsey, Dukes, Frederick, Gilchrist, Gill, Gleason,  
Hardwicke, Harris, Hutchinson, Jett, Kirkland, Malkus, Mason,  
Miller E.T., Mitchell, Mosner, Murphy, Pascal, Price, Pullen,  
Rollins, Vecera, Wheatley, White. Total--41

Amendment No. 3 as amended by Report No. S&D-7 to Committee  
Recommendation No. LG-1 on second reading: by Delegate Winslow  
from the floor. The amendment was duly seconded.

In Section 7.03 Change of Structure of County Government  
after the word "provided" add the word "either".





WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS  
FOLLOWS:

Affirmative

Delegates--

President, James, Adkins, Bamberger, Barrick, Beachley, Bennett,  
Blair, Boyer, Bradshaw, Bryson, Burgess, Buzzell, Byrnes, Caldwell,  
Case, Chabot, Cicone, Clagett, Clarke E.J., Dabrowski, Darby,  
Dulany, Finch, Fornos, Freedlander, Gallagher, Grant, Groh,  
Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hick-  
man, Hopkins, Hostetter, Hutchinson, Johnson, Key, Kiefer, Koger,  
Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion,  
Maurer, Mitchell, Morgan, Mudd, Murray D.S., Murray E.C., Needle,  
Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter,  
Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan,  
Schloeder, Sherbow, Sickles, Smith A.W., Smith M.H., Soul, Stern,  
Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb,  
Weidemeyer, Wheatley, Willis, Willoner, Winslow. Total--90

Negative

Delegates--

Boileau, Eckenrode, Fox, Kahl, Miller B., Moser, Siewierski,  
Singer, Smith J.H., Sollins, Sosnowski Total--11

Not Voting

Delegates--

Tawes, Clark J., Abramson, Anderson, Armor, Bard, Baumann, Beall,  
Borom, Bothe, Boyce, Boyles, Burdette, Bushong, Cardin, Carson,  
Child, Cleveland, Della, Dorsey, Dukes, Frederick, Gilchrist,  
Gill, Gleason, Hardwicke, Harris, Jett, Kirkland, Malkus, Mason,  
Mentzer, Miller E.T., Mosner, Murphy, Pascal, Price, Rollins,  
Schneider, Vecera, White. Total--41

Amendment No. 4 as amended by Report No. S&D-7 to Committee  
Recommendation No. LG-1 on second reading: by Delegate Needle  
from the floor. The amendment was duly seconded.

In Section 7.06 Intracounty Governmental Units immediately  
preceding the word "Intracounty" add the words "New Municipal  
Corporations and".



WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Barrick, Bryson, Chabot, Clagett, Clarke E.J.,  
Finch, Freedlander, Grant, Groh, Grumbacher, Gullett, Hanson,  
Hargrove, Harkness, Henderson, Hopkins, Hostetter, Hutchinson,  
Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Maurer,  
Mentzer, Miller B., Morgan, Moser, Mudd, Murray D.S., Murray E.C.,  
Needle, Neumann, Pascal, Raley, Ritter, Robey F.C., Robie K.L.,  
Schloeder, Schneider, Sherbow, Siewierski, Smith A.W., Smith J.H.,  
Stern, Sybert, Ulrich, Wagandt, Webb, Weidemeyer, Wheatley,  
Winslow. Total--54

Negative

Delegates--

President, James, Adkins, Beachley, Bennett, Blair, Boileau,  
Boyer, Bradshaw, Burdette, Burgess, Buzzell, Byrnes, Caldwell,  
Carson, Case, Cicone, Dabrowski, Darby, Dorsey, Dulany, Eckenrode,  
Fornos, Fox, Gallagher, Hickman, Johnson, Kahl, Key, Kiefer,  
Kirkland, Lord, Marion, Mason, Mitchell, Penniman, Peters, Powers,  
Pullen, Rush, Rybczynski, Scanlan, Sickles, Smith M.H., Sollins,  
Sosnowski, Soul, Taylor H.E., Taylor L., White, Willis. Total--51

Not Voting

Delegates--

Tawes, Clark J., Abramson, Anderson, Armor, Bard, Baumann, Beall,  
Borom, Bothe, Boyce, Boyles, Bushong, Cardin, Child, Cleveland,  
Della, Dukes, Frederick, Gilchrist, Gill, Gleason, Hardwicke,  
Harris, Jett, Malkus, Miller E.T., Mosner, Murphy, Neilson,  
Price, Rollins, Rosenstock, Singer, Storm, Vecera, Willoner. Total--37

Amendment No. 5 as amended by Report No. S&D-7 to Committee  
Recommendation No. LG-1 on second reading: by Delegate Needle  
from the floor. The amendment was duly seconded.

In Section 7.06 Intracounty Governmental Units in line  
10 immediately preceding the word "to" insert the word "only";

and in the same line strike out the word "any" preceding the  
word "procedures".





WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Barrick, Bryson, Clagett, Clarke E.J., Fornos, Fox, Freedlander,  
Grant, Kosakowski, Needle, Siewierski, Waqandt. Total--12

Negative

Delegates--

President, Adkins, Bamberger, Beachley, Bennett, Blair, Boileau,  
Boyer, Boyles, Bradshaw, Burdette, Burgess, Buzzell, Byrnes,  
Caldwell, Carson, Case, Chabot, Cicone, Dabrowski, Darby, Dorsey,  
Dulany, Eckenrode, Finch, Gallagher, Groh, Grumbacher, Gullett,  
Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett,  
Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Leitzel, Linton,  
Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B.,  
Mitchell, Morgan, Moser, Mudd, Murray D.S., Murray E.C.,  
Neumann, Penniman, Peters, Powers, Pullen, Raley, Robey F.C.,  
Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder,  
Schneider, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H.,  
Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E.,  
Taylor L., Ulrich, Webb, Weidemeyer, White, Willis, Willoner,  
Winslow. Total--91

Not Voting

Delegates--

Tawes, Clark J., James, Abramson, Anderson, Armor, Bard, Baumann,  
Beall, Borom, Bothe, Boyce, Bushong, Cardin, Child, Cleveland,  
Della, Dukes, Frederick, Gilchrist, Gill, Gleason, Hardwicke,  
Harris, Hostetter, Hutchinson, Koss, Malkus, Miller E.T., Mosner,  
Murphy, Neilson, Pascal, Price, Ritter, Rollins, Singer, Vecera,  
Wheatley. Total--39

Amendment No. 6 as amended by Report No. S&D-7 to Committee  
Recommendation No. LG-1 on second reading: by Delegates Moser,  
Carson, Clagett, Gullett, Neumann, Sybert from the floor. The  
amendment was duly seconded.

In Section 7.07 Additional Powers of Municipal Corporations  
in line 19 place a period after the word "corporations"; and  
strike out the balance of this line and all of line 20 and insert  
in lieu thereof the following: "Any additional powers granted  
by a county may be withdrawn by the county by law or by the  
General Assembly by law; and additional powers granted by the  
General Assembly may be withdrawn by it by law."



## REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 30. This Report covers matters in: General Order No. 24, Committee Recommendation No. GP-11, Delegate Proposal No. 112, 345.

The Committee of the Whole has considered Committee Recommendation No. GP-11 and the Recommendation has not been approved.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

Report of the Committee of the Whole No. 31. This Report covers matters in: General Order No. 19, Committee Recommendation No. R&P-2, Delegate Proposal Nos. 31, 34 (in part), 36, 76, 121, (in part), 135, 161, 178, 287, 393 (in part), 411, 428, 444.

The Committee of the Whole has considered Committee Recommendation No. R&P-2 with respect to Sections 10, 11 and 13 and has approved Committee Recommendation No. R&P-2 with respect to Sections 10, 11 and 13 as amended.

WHICH WAS READ.

COMMITTEE RECOMMENDATION NO. R&P-2 as amended by Committee of the Whole December 15, 1967.

A RECOMMENDATION that the Constitution contain the following provisions. This Report only covers Sections 10, 11 and 13 of Committee Recommendation R&P-2, inasmuch as the other sections of that Recommendation are covered by Committee of the Whole Report No. 22.

~~Section 10.---Criminal-Jury,-Judge-of-Law-and-Fact.-~~

~~In-the-trial-of-all-criminal-cases,-the-Jury-shall-be-the Judges-of-the-law,-as-well-as-of-fact,-except-that-the-court-may pass-upon-the-sufficiency-of-the-evidence-to-sustain-a-conviction.-~~

Section 11. Grand Jury Indictment as a Right of the Accused.

~~No-person-shall-be-held-to-answer-for-a-capital-or-otherwise infamous-crime-unless-on-presentment-or-indictment-of-a-Grand-Jury,- except-in-cases-arising-in-the-land-or-naval-forces,-or-in-the Militia-when-in-actual-service-in-time-of-war-or-public-danger.-~~  
(No person shall be held to answer for a felony unless on indictment of a grand jury, except in cases arising in the militia while in actual service.)

Section 13. Imprisonment for Debt.

No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by





decree of said court for the support of a wife or dependent children, or for the support of an illegitimate child or children, or for alimony, shall not constitute a debt within the meaning of this section.

Report of the Committee of the Whole No. 32. This Report covers matters in: General Order No. 29, Committee Recommendation No. GP-12.

The Committee of the Whole has considered Committee Recommendation No. GP-12 and has approved the Recommendation as submitted.

WHICH WAS READ.

At 5:40 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Wednesday, December 27, 1967 at 2:00 o'clock P.M.



CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland

Wednesday, December 27, 1967

The Convention met at 2:00 o'clock P.M.

Invocation was offered by Rev. Francis Rheinberger, Evangelical Luthern Church, Frederick, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany Eckenrode, Finch, Fornos, Fox, Frederick, Freelander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F., Robie, Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--136

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved that the calendar and agenda be amended under item 5 to include "Report of the Committee of the Whole No. 30 on Committee Recommendation No. GP-11".

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 33.

This Report Covers Matters In: General Order No. 13, Committee Recommendation No. GP-5, Delegate Proposal No. 237.





The Committee of the Whole has considered Committee Recommendation No. GP-5 and the Recommendation has not been approved.

WHICH WAS READ.

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement offered Report No. S&D-9.

This report covers matters in Committee of the Whole Report No. 21 & 22.

A Report concerning Committee Recommendations Nos. R&P-1 and R&P-2.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR & AGENDA.

Mr. Penniman, Chairman, Committee on Style, Drafting and Arrangement offered Report No. S&D-10.

This report covers matters in Committee of the Whole Report No. 12, 13, 14 & 15.

A Report concerning Committee Recommendation Nos. SF-2, SF-3, SF-4, and SF-5.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR & AGENDA.

Report of the Committee of the Whole No. 30

This Report Covers Matters In: General Order No. 24, Committee Recommendation No. GP-11, Delegate Proposal No. 112, 345.

The Committee of the Whole has considered Committee Recommendation No. GP-11 and the Recommendation has not been approved.

The President put the question on the approval of Committee Recommendation No. GP-11 by the Convention notwithstanding the fact that the Recommendation was not approved by the Committee of the Whole.

COMMITTEE RECOMMENDATION GP-11 FAILED TO BE APPROVED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Baumann, Burdette, Clagett, Clarke E.J., Dabrowski, Della, Gill, Gleason, Grant, Hostetter, Johnson, Kahl, Kiefer, Miller, Morgan, Murphy, Pascal, Pullen, Ritter, Robie K.L., Rybczynski, Smith M.H., Sosnowski, Taylor L., Vecera, Webb, Weidemeyer, Wheatley.

Total--29



Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Robey F.C., Rosenstock, Rush, Scanlan, Schneider, Sickles, Siewierski, Smith A.W., Smith, J.H., Sollins, Soul, Stern, Sybert, Taylor H.E., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--89

Not Voting

Delegates--

Bothe, Boyer, Boyles, Burgess, Bushong, Caldwell, Case, Cleveland Dukes, Groh, Grumbacher, Harkness, Hickman, Hutchinson, Jett, Key, Miller E.J., Mitchell, Raley, Rollins, Schloeder, Sherbow, Singer, Storm. Total--24

Report of the Committee of the Whole No. 33

This Report Covers Matters In: General Order No. 13, Committee Recommendation No. GP-5, Delegate Proposal No. 237.

The Committee of the Whole has considered Committee Recommendation No. GP-5 and the Recommendation has not been approved.

The President put the question on the approval of Committee Recommendation GP-5 by the convention notwithstanding the fact that the Recommendation was not approved by the Committee of the Whole.

COMMITTEE RECOMMENDATION GP-5 FAILED TO BE APPROVED BY YEAS & NAYS AS FOLLOWS:

Affirmative

Delegates--

Barrick, Baumann, Chabot, Clagett, Clarke E.J., Fornos, Gill, Hardwicke, Hostetter, Jett, Kiefer, Kirkland, Morgan, Pullen, Ritter, Robie K.L., Smith M.H., Sosnowski, Stern, Sybert, Taylor, Vecera, Webb, Weidemeyer, Wheatley. Total--25

Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Bamberger, Bard, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdett, Buzzell, Cardin, Carson, Child, Cicone,





Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gleason, Grant, Gullett, Hanson, Hargrove, Harris, Henderson, Hopkins, Johnson, Kahl, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Raley, Robey F.C., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Soul, Taylor H.E., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--93

#### Not Voting

#### Delegates--

Anderson, Armor, Boyer, Boyles, Burgess, Bushong, Byrnes, Caldwell, Case, Cleveland, Dukes, Groh, Harkness, Hickman, Hutchinson, Key, Kosakowski, Miller E.T., Mitchell, Rollins, Schloeder, Sherbow, Storm, Grumbacher. Total--24

### SECOND READING OF COMMITTEE RECOMMENDATIONS

Consideration of Report No. S&D-7 and Committee Recommendation LG-1 continued after not being concluded on December 21, 1967.

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Amendment No. 6, as amended by Report No. S&D-7 to Committee Recommendation No. LG-1 on second reading by Delegates Moser, Carson, Clagett, Gullett, Neumann, Sybert, from the floor. The amendment was duly seconded.

In Section 7.07 Additional Powers of Municipal Corporations, in line 19, place a period after the word "corporations"; and strike out the balance of this line and all of line 20 and insert in lieu thereof the following: "Any additional powers granted by a county may be withdrawn by the county by law or by the General Assembly by law; any additional powers granted by the General Assembly may be withdrawn by it by law."

With permission of the convention Mr. Clagett was allowed to withdraw his name as a sponsor of the above amendment no. 6.

AMENDMENT NO. 6 WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

#### Delegates--

James, Bard, Barrick, Baumann, Beachley, Buzzell, Byrnes, Cardin, Carson, Chabot, Dabrowski, Darby, Della, Dorsey, Gleason, Grant, Groh, Gullett, Harkness, Henderson, Hostetter, Jett, Kahl, Kirkland, Kosakowski, Koss, Leitzel, Linton, Maurer, Murphy, Needle, Neilson, Neumann, Penniman, Peters, Pullen, Ritter, Rush, Rybczynski, Singer, Smith A.W., Smith M.H., Sosnowski, Soul, Stern, Sybert, Vecera, Webb, Weidemeyer, Willis, Willoner. Total--51



## Negative

### Delegates--

President, Adkins, Armor, Bamberger, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Cicone, Clagett, Clarke E. J., Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Hanson, Hargrove, Harris, Hopkins, Johnson, Kiefer, Koger, Lord, Macdonald, Malkus, Marion, Mason, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Powers, Price, Raley, Robey F.C., Robie K. L., Scanlan, Sickles, Smith J. H., Taylor H.E., Ulrich, Wagandt, White, Winslow.

Total--60

## Not Voting

### Delegates--

Tawes, Clark J., Abramson, Anderson, Boyer, Boyles, Burdette, Burgess, Bushong, Caldwell, Case, Child, Cleveland, Dukes, Grumbacher, Hardwicke, Hickman, Hutchinson, Key, Miller E.T., Pascal, Rollins, Rosenstock, Schloeder, Schneider, Sherbow, Siewierski, Sollins, Storm, Taylor L., Wheatley.

Total--31

Amendment No. 7, as amended by Report No. S&D-7, to Committee Recommendation No. LG-1, on second reading by Delegates Moser and Carson from the floor. The amendment was duly seconded.

In Section 7.08, Establishment of Multi-County Governmental Units in line 39 strike out the word "law" and insert in lieu thereof the following words: "of these laws".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

President, Tawes, James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beall, Bennett, Blair, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Poley F.C., Robie K.L., Rosenstock, Rybczynski, Scanlan, Schneider, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sosnowski, Soul, Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--108





Negative

Delegates--

Marion

Total--1

Not Voting

Delegates--

Clark J., Anderson, Beachley, Boileau, Bothe, Boyles, Burgess, Bushong, Caldwell, Case, Cleveland, Della, Gleason, Groh, Hanson, Hardwick, Hostetter, Hutchinson, Key, Kirkland, Lord, Macdonald, Malkus, Mentzer, Miller E.J., Pascal, Rollins, Rush, Schloeder, Sherbow, Sollins, Storm, Wheatley.

Total--33

Amendment No. 8, as amended by Report No. S&D-7, to Committee Recommendation No. LG-1, on second reading by Delegates Adkins, Barrick, Blair, Boileau, Bryson, Clagett, Eckenrode, Freeland, Grant, Leitzel, Macdonald, Moser, Needle, Sollins, Ulrich, Wagandt, Winslow from the floor. The amendment was duly seconded.

In Section 7.10 Credit Limitations of Local Governments strike out all of lines 11 through 15, inclusive, and insert in lieu thereof the following: "The assets or credit of a unit of local government may be given or lent to any individual, association, or corporation only if a public purpose will be served thereby, and then subject to any other restrictions prescribed by law."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, James, Adkins, Armor, Bard, Barrick, Beachley, Beall, Blair, Boileau, Borom, Boyce, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dulany, Eckenrode, Finch, Fox, Frederick, Freeland, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hickman, Hopkins, Jett, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Miller B., Mitchell, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rosenstock, Rybczynski, Scanlan, Schneider, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--98

Negative

Delegates--

Anderson, Della, Dorsey, Dukes, Harkness.

Total--5



## Not Voting

### Delegates--

Clark J., Abramson, Bamberger, Baumann, Bennett, Bothe, Boyer, Boyles, Burgess, Bushong, Caldwell, Case, Clarke E.J., Cleveland, Fornos, Hardwicke, Harris, Hostetter, Hutchinson, Kahl, Key, Linton, Mentzer, Miller E.J., Morgan, Murphy, Pascal, Price, Ritter, Rollins, Rush, Schloeder, Sherbow, Singer, Sosnowski, Storm, Taylor L., Vecera, Wheatley.

Total--39

The President put the question on the adoption of all amendments as to style included in Committee Report S&D 7 and the eight amendments from the floor to Committee Recommendation LG-1.

ALL AMENDMENTS AS TO STYLE OF COMMITTEE RECOMMENDATION LG-1 WERE ADOPTED BY YEAS AND NAYS AS FOLLOWS:

## Affirmative

### Delegates--

President, Tawes, James, Adkins, Armor, Bard, Barrick, Beachley, Beall, Blair, Boileau, Boyce, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hickman, Hopkins, Jett, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Mudd, Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rush, Rybczynski, Scanlan, Schneider, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--102

## Negative

### Delegates--

Harkness, Hostetter,

Total--2

## Not Voting

### Delegates--

Clark J., Abramson, Anderson, Bamberger, Baumann, Bennett, Borom, Bothe, Boyer, Boyles, Burgess, Bushong, Caldwell, Case, Cleveland, Hardwicke, Harris, Hutchinson, Kahl, Key, Linton, Miller E. T, Morgan, Murphy, Murray D.S., Pascal, Price, Ritter, Rollins, Rosenstock, Schloeder, Sherbow, Singer, Sosnowski, Storm, Taylor L., Vecera, Wheatley.

Total--38





COMMITTEE RECOMMENDATION LG-1 AS AMENDED WAS ADOPTED ON  
SECOND READING BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rybczynski, Scanlan, Schneider, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow. Total--112

Negative

Delegates--

Anderson, Dorsey, Harkness, Hostetter, Sosnowski.

Total--5

Not Voting

Delegates--

Abramson, Baumann, Bothe, Boyles, Burgess, Bushong, Caldwell, Case, Cleveland, Hardwicke, Harris, Hutchinson, Key, Linton, Miller, E.T. Murphy, Pascal, Price, Rollins, Rush, Schloeder, Sherbow, Singer, Storm, Wheatley. Total--25

Committee Recommendation JB-1. Mr. Penniman, Chairman of the Committee on Style, Drafting and Arrangement reported on Committee Recommendation S&D-8. This report covers matters in Committee of the Whole Report No. 8, December 21, 1967.

The Committee on Style, Drafting and Arrangement recommends that the Committee Recommendation No. JB-1 read as indicated in the attached recommendation.

The original section 5.31, Rule-Making Power, has been relocated as section 5.03 to place the legislative power of the Court of Appeals with the first reference to the Court. The relocation also places the definition of "rule" in the Article where the word is used first.



Amendment No. 1, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegate Kirkland, from the floor. The amendment was duly seconded.

In Section 5.01 Judicial Power strike out all of lines 7 through 11, inclusive, and insert in lieu thereof the following:

"The judicial power of the state shall be vested in one Court of Appeals, one Intermediate Appellate Court, Circuit Courts and in such inferior courts as the General Assembly may from time to time provide by law. The several courts shall have original and appellate jurisdiction as provided by law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

Delegates--

Baumann, Blair, Boyer, Darby, Della, Eckenrode, Frederick, Gleason, Grumbacher, Kahl, Kirkland, Koger, Kosakowski, Malkus, Peters, Ritter, Rush, Rybczynski, Sosnowski, Storm, Webb, Weidemeyer, Wheatley.

Total--23

#### Negative

Delegates--

President, James, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Cardin, Carson, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Dukes, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hickman, Hopkins, Jett, Johnson, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Mitchell, Morgan, Moser, Mosner, Mudd, Murray, E. C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Robey, F. C., Robie, K. L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sickles, Siewierski, Singer, Smith, A. W., Smith, J. H., Smith M.H., Sollins, Soul, Stern, Sybert, Taylor, H. E., Ulrich, Wagandt, White, Willoner, Winslow.

Total--85

#### Not Voting

Delegates--

Tawes, Clark, J., Abramson, Anderson, Beall, Boyles, Burdette, Burgess, Bushong, Caldwell, Case, Chabot, Cleveland, Dorsey, Grant, Harkness, Harris, Hostetter, Hutchinson, Key, Kiefer, Koss, Leitzel, Linton, Miller, B., Miller, E. T., Murphy, Murray, D. S., Pascal, Price, Sherbow, Taylor, L., Vecera, Willis.

860

Total--34





In section 5.08, the words "in all judicial proceedings" were dropped as being unnecessary in view of the language of section 5.01 vesting judicial power in the courts.

The words "as prescribed by law or rule" are dropped from sections 5.09 and 5.11 as being unnecessary in view of the concurrent power of the Court of Appeals and the General Assembly under section 5.03 in "governing the administration of the courts." The Committee of the Whole, in amendment no. 5 to JB-1, made it clear that it was open to both Court of Appeals and General Assembly action.

The change in language in the last sentence of section 5.12 was made to reflect the intent of the sponsor of the words of the last sentence and as agreed in the discussions of the Committee of the Whole.

In section 5.15, the order of sentences was rearranged to describe the action chronologically.

The reference to the fact that members of nominating commissions shall not be compensated for their service was taken from section 5.24 and is now located in sections 5.16 and 5.17.

The original section 5.19 was dropped by the Committee of the Whole.

The original section 5.20 has been divided into two sections, identified in this report as sections 5.19 and 5.20.

In section 5.22, the words in line 24 "so long as he retains his office" were dropped as unnecessary since the question before the voters is the judge's "continuance in office." In lines 37 and 38, the words "as to whether he should be continued" were changed to "desirability of his continuance" to emphasize the advisory nature of the poll.

In section 5.23, Judicial Retirement, the original language "the chief judge of the Court of Appeals with the approval of a majority of the members of that court" was changed to "If a majority of the members of the Court of Appeals approve." The new language is intended to reflect the views of the Committee of the Whole. The original language could be interpreted to read that the chief judge required the approval of 4 other judges to permit a retired judge to sit temporarily, whereas the change attempts to make clear that the chief judge would need only the approval of 3 other judges which, along with himself, would make up the approval of a majority.

In section 5.25, the adjective "political" was placed before the word "organization" since it appeared clear that it was not the intent to prohibit a judge from holding office in any organization, such as a church, a fraternal order, a professional society, or a country club. The prohibition against receiving "remuneration for his judicial service except as provided herein" is considered



unnecessary since it is clearly stated in the first sentence of section 5.24.

The prohibition of compensation for members of the Commission on Judicial Disabilities was taken from section 5.28 and is now located in section 5.26.

The original section 5.25 dealing with the removal of judges has been renumbered and rearranged (a) to separate removal because of disability from removal because of misconduct or failure to perform his tasks, and (b) to describe the process in chronological order. The last sentence in section 5.27 comes from the language of an amendment to section 5.28. The last two sentences in section 5.29 come from what is now section 5.30.

Language in section 5.31 has been changed to read "assign administrative duties to other judges" to avoid the constitutional establishment of the office of administrative judge.

With permission of the Convention the Committee on Style, Drafting and Arrangement was allowed to withdraw their amendments in sundry instances to strike out the word "prescribed" and insert the word "provided" in Committee Recommendation JB-1.

AMENDMENTS TO COMMITTEE RECOMMENDATION JB-1 CONTAINED IN COMMITTEE REPORT S&D-8 WERE ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

President, Tawes, James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Groh, Gullett, Hardwicke, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Kirkland, Koger, Kosakowski, Koss, Leitzel, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--115

#### Negative

##### Delegates--

None

Total--0





Not Voting

Delegates--

Clark J., Abramson, Beall, Boyles, Burgess, Rushong, Caldwell, Case, Cleveland, Dorsey, Gleason, Grant, Grumbacher, Hanson, Harkness, Hutchinson, Key, Kiefer, Linton, Lord, Miller E.T., Pascal, Price, Ritter, Sherbow, Vecera, Wheatley.

Total--27

Committee Recommendation JB-1

JUDICIAL BRANCH

ARTICLE 5. JUDICIAL BRANCH

Section 5.01. Judicial Power.

The judicial power of the State is [shall be] vested exclusively in a unified judicial system composed of the Court of Appeals, the Intermediate Appellate Court, the Superior Court, and the District Court.

THE COURT OF APPEALS

Section 5.02. Jurisdiction of Court of Appeals.

The Court of Appeals shall be the highest court of the State and shall have the appellate jurisdiction prescribed [provided] by law and the original jurisdiction prescribed by this Constitution.

Section 5.31 [03]. Rule-Making Power.

~~Except-as-to-matters-specifically-provided-by-this-Constitution to-be-prescribed-by-rule, t[The Court of Appeals by-rule-and-the General-Assembly-by-law shall have concurrent power to prescribe regulations [rules] governing practice and procedure in all courts, (;) governing the admission of persons to practice law in this State and the [their] discipline of persons so-admitted;; and governing [the] administration of the courts, officers of the judicial branch, and, [officers of the executive branch] to the extent that their duties directly relate to the enforcement of judicial orders,--officers of-the-executive-branch. [The General Assembly shall have concurrent power to provide by law for matters subject to rule, except when these matters are specifically required by this Constitution to be prescribed by rule. As used in this Article, rule shall mean a rule prescribed by the Court of Appeals.] In the event a-rule-and-a-law-prescribing a-regulation-of-any-of-the-three-foregoing-classes [of a] conflict, [between a rule and a law,] the later in time shall supersede-the prior [prevail] to the extent of the conflict. "Rule"-as-used-in this-Article-means-a-rule-adopted-by-the-Court-of-Appeals.~~

Section 5.03[4]. Composition of Court of Appeals.

The Court of Appeals shall be composed [consist] of seven



judges, one of whom shall serve as chief judge. Five judges shall constitute a quorum, and the concurrence of four shall be necessary ~~for-the-decision-of~~ [to decide] a case.

Section 5.04[5]. Chief Judge of the Court of Appeals.

The Governor shall fill a vacancy in the office of chief judge of the Court of Appeals by designating one of the judges of the Court of Appeals to be chief judge for the remainder of his service on the e[C]ourt, or until he resigns the office of chief judge. The associate judge senior in service on the Court of Appeals shall have the powers and duties of the office when the chief judge is absent, [or] when the Court of Appeals determines that he is unable to serve, or when the office is vacant.

THE INTERMEDIATE APPELLATE COURT

Section 5.05[6]. Jurisdiction of Intermediate Appellate Court.

The Intermediate Appellate Court shall have the jurisdiction ~~prescribed~~ [provided] by law.

Section 5.06[7]. Composition of Intermediate Appellate Court

The Intermediate Appellate Court shall ~~be-composed~~ [consist] of ~~no-fewer-than~~ five judges, ~~as-prescribed~~ [unless the number is increased] by law. The Intermediate Appellate Court may sit in divisions, ~~except-that-no-fewer-than~~ [At least] three judges shall sit in each case.

THE SUPERIOR COURT

Section 5.07[8]. Jurisdiction of Superior Court.

The Superior Court shall have original jurisdiction in all judicial proceedings, except as otherwise prescribed by this Constitution or by law, ~~and~~ [The Superior Court] shall have such other jurisdiction as ~~is-prescribed~~ [provided] by law. Jurisdiction of the Superior Court shall be uniform throughout the State.

Section 5.08[9]. Composition of the Superior Court.

The Superior Court shall ~~be composed~~ [consist] of the number of judges ~~prescribed~~ [provided] by law. ~~and t~~[T]he number shall be allocated among the counties by law. ~~There-shall-be-a~~[A]t least one Superior Court judge ~~resident~~ [shall reside] in each county. Functional divisions of the Superior Court may be established in any county ~~as-prescribed-by-law-or-rule~~.





## THE DISTRICT COURT

### Section 5.09[10]. Jurisdiction of District Court.

The District Court shall have the original jurisdiction ~~prescribed~~ [provided] by law. Jurisdiction of the District Court shall be uniform throughout the State.

### Section 5.10[11]. Composition of District Court.

The District Court shall ~~be composed~~ [consist] of the number of judges ~~prescribed~~ [provided] by law. The State shall be divided by law into districts. Each district shall ~~be composed~~ [consist] of one [county or two] or more entire and adjoining counties. The number of judges shall be allocated among the districts by law, ~~and there shall be a~~ [at least one District Court judge resident [shall reside] in each county. Functional divisions of the District Court may be established in any district ~~as prescribed by law or rule.~~

### Section 5.11[12]. Commissioners.

There may be [District Court] commissioners ~~of the District Court~~ in the number and with the qualifications prescribed by rule. Commissioners in a district shall be appointed by and serve at the pleasure of that judge of the District Court who shall be designated by rule to appoint commissioners therein. Commissioners may exercise powers only with respect to warrants of arrest, [or bail or] collateral or other terms of pre-trial release [pending hearing,] or incarceration pending hearing, and then only as prescribed by rule.

## SELECTION AND TENURE OF JUDGES

### Section 5.12[13]. Judicial Circuits.

The State shall be divided by law into circuits of the Court of Appeals and into circuits of the Intermediate Appellate Court.

### Section 5.13[14]. Eligibility for [Nomination and] Appointment as Judge.

~~To be eligible for nomination and appointment as a~~ [A] judge, ~~a person~~ shall have been a citizen of the State and ~~a member of the Bar of~~ [shall have been authorized to practice law in] the State for at least five years immediately prior to [preceding] his nomination. ~~To be eligible for nomination and appointment as a~~ [A nominee for] judge of the Court of Appeals or [of] the Intermediate Appellate Court; ~~a person~~ shall be a resident of the circuit where ~~the Court of Appeals or the Intermediate Appellate Court~~ [that court] vacancy exists. ~~To be eligible for nomination and appointment as a~~ [A nominee for] judge of the Superior Court; ~~a person~~ shall be a resident of the county where the Superior Court vacancy exists. ~~To be eligible for nomination and appointment as a~~ [A nominee for] judge of the District



Court<sup>7</sup>-a-person shall be a resident of the district where the District-Court vacancy exists.

Section 5.14[5]. Nomination and Appointment.

~~The-governor-shall-fill-a-vacancy-in-the-office-of-judge-by appointing-one-person-from-a-list-of-no-fewer-than-three-nor-more than-five-eligible-persons-nominated-by-a~~ [A] judicial nominating commission [shall nominate from three to five eligible persons for each judicial vacancy.] Nominations to fill a vacancy shall be made not more than thirty days prior to nor more than sixty days after the ~~occurrence-of-the~~ vacancy [occurs]. [The Governor shall fill a vacancy by appointing one person from the list of nominees.] If the ~~g~~[G]overnor fails to appoint one of the nominees within sixty days after receiving the list, his power to make the appointment shall end and the chief judge of the Court of Appeals shall appoint one of the nominees.

Section 5.15[6]. Appellate Courts Nominating Commission.

[The Appellate Courts Nominating Commission shall make] N[n]ominations to fill a vacancy on the Court of Appeals or on the Intermediate Appellate Court ~~shall-be-made-by-the-Appellate-Courts Nominating-Commission.~~ The Commission shall be-composed [consist] of six lay persons [members] and six lawyers [members]. The term of each member shall be four years. [No member shall receive compensation for his service.]

Section 5.16[7]. Trial Courts Nominating Commissions.

[A trial courts nominating commission shall make] N[n]ominations to fill a vacancy on the Superior Court and [or] on the District Court ~~shall-be-made-by-a-trial-courts-nominating-commission.~~ The number and-composition of the commissions and the terms of their members shall be prescribed [provided] by law<sup>7</sup>. ~~except-that-e~~[E]ach commission shall have no-fewer-than [at least] six members and shall be-composed [consist] of an equal number of lay and lawyer members [as] provided [by law.] [No member shall receive compensation for his service.] Each commission shall make nominations to fill vacancies on the Superior Court in one or more counties, or on the District Court in one or more districts, or both, as prescribed [provided] by law.

Section 5.17[8]. Lawyer Members of Nominating Commissions.

[Lawyers throughout the State shall elect by secret ballot the ] B[l]awyer members of the Appellate Courts Nominating Commission ~~shall-be-elected-by-secret-ballot-by-lawyers-throughout-the-State.~~ [Lawyers of the area for which each trial courts nominating commission is established shall elect by secret ballot the B[l]awyer members of each [such] trial-courts-nominating commission ~~shall-be-elected-by-secret-ballot-by-the-lawyers-of-the area-for-which-such-commission-is-established.~~ Election procedure





and eligibility of lawyer members of nominating commissions and of their electors shall be ~~prescribed~~ [provided] by law.

Section 5.18[9]. Lay Members of Nominating Commissions.

[The Governor shall appoint the] ~~L[1]ay~~ members of the Appellate Courts Nominating Commission ~~shall-be-appointed-by-the-governor~~ from [among] the qualified voters of the State. [The Governor shall appoint the ~~L[1]ay~~ members of each trial courts nominating commission ~~shall-be-appointed-by-the-governor~~ from [among] the qualified voters of the area for which such [that] commission is established.

Section 5.20. Rules-Governing [Restrictions on Members of] Nominating Commissions.

~~Each-nominating-commission-shall-act-only-upon-the-concurrence-of-a-majority-of-its-members;--Each-commission-shall elect-one-of-its-members-as-chairman.~~ [During his service on a commission,] A[a] member ~~of-a-commission-may~~ [shall] not hold any public office of profit or office in a political party ~~while-a-member-of-a-commission.~~ A member shall not be eligible to hold a judicial office for two years immediately following his service on the [a] commission and he shall not be eligible to hold any other public office of profit for one year immediately following his service. ~~A-member-of-a-commission-shall-receive-no-compensation-for-his-services.~~

Section 5.21. Procedures of Nominating Commissions.

Each nominating commission shall act only upon the concurrence of a majority of its members. Each commission shall elect one of its members as chairman.]

Section 5.21[2]. [Judicial] Term of Office ~~of-Judge.~~

The continuance in office of each judge shall be subject to approval or rejection ~~by-the-electorate~~ at the next general election following the expiration of two years from the date of his appointment and [at the general election] every 8 [eight] years thereafter ~~so-long-as-he-retains-his-office.~~ The continuance in office of each judge of the Court of Appeals and of the Intermediate Appellate Court shall be subject to approval or rejection by the ~~electorate~~ [voters] of the entire State. The continuance in office of each judge of the Superior Court and of the District Court shall be subject to approval or rejection by the ~~electorate~~ [voters] of the county or the district, ~~respectively,~~ ~~for~~ [in] which the office then exists. The Court of Appeals shall prescribe ~~the-[by] rule for the-taking-of~~ a poll by secret ballot of the lawyers of the area in which the [a] judge ~~is-required-to~~ stand[s] for election ~~as-to-whether-he-should-be-continued~~ [regarding the desirability of his continuance] in office ~~for-a-full-or-additional-term.~~ [The Court of Appeals shall prescribe by rule] and for publication of the results [of the poll] ~~thereof.~~ In-the-event [If] the ~~electorate~~ [voters] rejects the continuance in office of a judge the office shall be vacant.





Section 5.22[3]. [Judicial] Retirement of-Judge.

Each judge shall retire at the age of seventy. [If a majority of the members of the Court of Appeals, approve, ~~¶[t]he chief judge of-the-Court-of-Appeals--with-the-approval of-a-majority-of-the-members-of-that-court,~~ may authorize a retired judge temporarily to perform [temporarily] judicial duties in any court.

Section 5.23[4]. [Judicial] Compensation of-Judge.

Each judge shall be compensated [solely by the State] for his judicial service ~~solely-by-the-State.~~ The compensation of a judge shall not be reduced during his continuance in office. ~~A-pension-payable-to-a-retired-judge-or-his-surviving-spouse in-effect-during-his-continuance-in-office-shall-not-be-reduced.~~ All ~~j~~[J]udges of the same court shall be paid the same compensation, including any pension based upon length of service, except that a uniform reduction in compensation may be made applicable to all judges of the same court appointed after the effective date of the reduction. [A pension payable to a retired judge or to his surviving spouse, pursuant to provisions in effect during his continuance in office, shall not be reduced.]

Section 5.24[5]. Restriction of Non-Judicial Activities.

No judge shall ~~engage-in-the~~ practice of law, or ~~run-for~~ [seek] elective office other than the judicial office he then holds, or ~~make-any-contribution~~ [contribute] to or hold any office in a political party or [political] organization, or ~~take part~~ [participate] in any [a] partisan political campaign, ~~or receive-any-remuneration-for-his-judicial-service-except-as-provided-herein.~~ No retired judge while ~~engaging-in-the~~ practice[ing] of law or ~~running-for~~ [seeking] elective office or holding any public office of profit shall be paid any pension for his judicial service.

REMOVAL OF JUDGES

Section 5.26. Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall consist of one judge of the Intermediate Appellate Court, one judge of the Superior Court, one judge of the District Court, one lay person [member] and one lawyer [member]. [The Court of Appeals shall appoint] ~~¶[t]he judicial members shall-be-appointed-by-the-Court of-Appeals.~~ ~~The-lay-member-and-the-lawyer-member-shall-be appointed-by-t~~[T]he ~~g~~[G]overnor [shall appoint the lay and lawyer members] from [among] the qualified voters of the State. The term of each member shall be four years. [No member shall receive compensation for his service.]





Section 5.27. Power[s] of Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall have power to investigate complaints against any judge, [to] conduct hearings concerning the removal or retirement of a judge, [to] administer oaths and affirmations, [to] issue process to compel the attendance of witnesses and the production of evidence, and [to] require persons to testify and produce evidence by granting [them] immunity from prosecution or from any penalty or forfeiture. [The Commission shall have the power to recommend to the Court of Appeals the removal or retirement of a judge.] All proceedings, testimony, and evidence before the Commission shall be confidential and privileged, except that the record of any proceeding filed with the Court of Appeals shall lose its confidential character. [The Court of Appeals shall prescribe by rule the means to implement and enforce the powers of the Commission.]

Section 5.28. Rules-Governing [Procedures of] Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall act only upon the concurrence of a majority of its members. The Commission shall elect one of its members as chairman. ~~A-member-of-the Commission-shall-receive-no-compensation-for-his-service.~~ Practice and procedure before the Commission, ~~and-the-means-of-implementing the-powers-granted-by-Section-5.27,~~ shall be prescribed by rule.

Section 5.25[29]. Removal or-Retirement-of-Judge [by Court of Appeals].

~~The-Court-of-Appeals-shall-have-power-to-remove-any-judge from-office-or-to-censure-any-judge-u~~[U]pon recommendation of the Commission on Judicial Disabilities that the [a] judge be removed [from office, the Court of Appeals, after a hearing] and upon a finding, ~~after-hearing,~~ of misconduct while in office, [or of] persistent failure to perform the duties of his office, or [of] conduct prejudicial to the proper administration of justice, [may remove the judge from office or may censure him. A judge removed under this Section, and his surviving spouse, shall have the rights and privileges accruing from his judicial service only to the extent prescribed by the order of removal. No judge shall sit in judgment in any hearing involving his own removal.]

[Section 5.30. Retirement by Court of Appeals.]

~~The-Court-of-Appeals-shall-have-power-to-retire-any-judge from-office-u~~[U]pon recommendation of the Commission on Judicial Disabilities that the [a] judge be retired [from office, the Court of Appeals, after a hearing] and upon a finding, ~~after-hearing,~~ of disability [which is or is likely to become permanent and which] seriously ~~interfering~~ [interferes] with the performance of his duties, ~~which-is,-or-is-likely-to-become,-of-a-permanent-character~~ [may





retire the judge from office]. ~~A judge shall not sit in any hearing involving his own removal or retirement;--A judge removed under this section, and his surviving spouse, shall have the rights and privileges accruing from his judicial service only to the extent prescribed by the order of removal.~~ A judge retired under this s[S]ection shall have the rights and privileges ~~prescribed~~ [provided] by law for other retired judges. [No judge shall sit in judgment in any hearing involving his own retirement.]

#### ADMINISTRATION

##### Section 5.29[31]. Administration of Judicial System.

The chief judge of the Court of Appeals shall be the administrative head of the judicial system. He shall designate, [to serve at his pleasure,] one Intermediate Appellate Court judge, one Superior Court judge, and one District Court judge as the chief judge of each court. ~~Each shall serve as chief judge at the pleasure of the chief judge of the Court of Appeals, and~~ [Each] shall perform such [those] duties in the administration of the judicial system as [that] the chief judge of the Court of Appeals shall assign [to] him. The chief judge of the Court of Appeals may designate [assign] administrative [duties to other] judges in the manner prescribed by rule. ~~Administrative judges shall perform the duties prescribed by rule.~~ Any judge may be assigned to sit temporarily in any court as prescribed by rule.

##### Section 5.30[32]. Clerks of Court.

The chief judges [judge] of ~~the Court of Appeals and of the Intermediate Appellate, Superior and Districts Courts~~ [each court] shall each appoint, [to serve at his pleasure,] a chief clerk of his [that] court ~~who shall serve at the pleasure of the appointing judge.~~ There shall be [in each county] a clerk of the Superior Court ~~and of the District Court in each county;--The clerk of the Superior Court in each county~~ [who] shall be selected as prescribed [provided] by law. [There shall be in each county a clerk of the District Court whose The appointment and terms [term] of clerks of the District Court shall be governed [prescribed] by rule.]





Amendment No. 2, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegates Mudd, Hickman, Kahl, Henderson, Harkness, J. H. Smith, Hargrove, Dulany, Bradshaw, Cicone, Rosenstock, M. H. Smith, Schneider, Cleveland, Marion, from the floor. The amendment was duly seconded.

In Section 5.16 Appellate Courts Nominating Commission in line 39, strike out the period and insert in lieu thereof the following:

", but the General Assembly shall prescribe by law shorter terms for four of the lay and four of the lawyer members first appointed or elected, in order to establish overlapping terms of office. A vacancy on the Commission shall be filled for the remainder of the term."

Amendment No. 2A, to Amendment No. 2, to Committee Recommendation No. JB-1, on second reading, by Delegate Johnson, from the floor. The amendment was duly seconded.

On page 1 of the amendment in line 6 strike out the word "shall" and insert in lieu thereof the word "may";

and in lines 7, 8 and 9 strike out these words "for four of the lay and four of the lawyer members first appointed or elected,".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

Anderson, Bard, Barrick, Blair, Borom, Boyer, Cardin, Carson, Chabot, Frederick, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Johnson, Koger, Needle, Neilson, Neumann, Peters, Pullen, Raley, Ritter, Robey, F. C., Robie, K. L., Rush, Scanlan, Siewierski, Smith A.W., Sosnowski, Soul, Stern, Storm, Wagandt, Webb, Weidemeyer, Wheatley,

Total--39

Negative

Delegates--

President, Tawes, Clark, J., James, Adkins, Armor, Bamberger, Beachley, Beall, Bennett, Bothe, Boyce, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Kahl, Kosakowski, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mitchell, Morgan, Mosner, Mudd, Murray, D. S., Murray, E. C., Penniman, Powers, Rollins, Rosenstock, Schneider, Sickles, Singer, Smith, J.H., Smith, M.H., Sollins, Sybert, Taylor, H.E., White, Willoner, Winslow.

871

Total--67



## Not Voting

### Delegates--

Abramson, Baumann, Boileau, Burdette, Burgess, Bushong, Caldwell, Case, Cleveland, Darby, Della, Dorsey, Dukes, Hostetter, Hutchinson, Jett, Key, Kiefer, Kirkland, Koss, Leitzel, Malkus, Mentzer, Miller, B., Miller, E. T., Moser, Murphy, Pascal, Price, Rybczynski, Schloeder, Sherbow, Taylor, L., Ulrich, Vecera, Willis.

Total--36

Amendment No. 2, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegates Mudd, Hickman, Kahl, Henderson, Harkness, J. H. Smith, Hargrove, Dulany, Bradshaw, Cicone, Rosenstock, M. H. Smith, Schneider, Cleveland, Marion, from the floor. The amendment was duly seconded.

In Section 5.16 Appellate Courts Nominating Commission, in line 39 strike out the period and insert in lieu thereof the following:

" , but the General Assembly shall prescribe by law shorter terms for four of the lay and four of the lawyer members first appointed or elected, in order to establish overlapping terms of office. A vacancy on the Commission shall be filled for the remainder of the term."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

### Affirmative

### Delegates--

President, Tawes, Armor, Bard, Beachley, Beall, Bennett, Blair, Boileau, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Darby, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Kiefer, Kirkland, Koger, Kosakowski, Linton, Macdonald, Malkus, Mason, Miller, B., Morgan, Moser, Mosner, Mudd, Murray, D. S., Murray, E. C., Needle, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robie, K. L., Rollins, Rosenstock, Rybczynski, Schloeder, Schneider, Sickles, Singer, Smith, A. W., Smith, J. H. Smith, M. H., Sosnowski, Soul, Stern, Sybert, Taylor, H. E., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--94





Negative

Delegates--

Clark, J., James, Abramson, Adkins, Anderson, Bamberger,  
Barrick, Borom, Bothe, Cardin, Carson, Della, Dorsey, Gill,  
Johnson, Marion, Mitchell, Neilson, Siewierski, Sollins, Storm.  
Total--21

Not Voting

Delegates--

Baumann, Burgess, Bushong, Caldwell, Case Cleveland, Dukes,  
Frederick, Hostetter, Hutchinson, Kahl, Key, Koss, Leitzel,  
Lord, Maurer, Mentzer, Miller, E. T., Murphy, Peters, Price,  
Robey, F. C., Rush, Scanlan, Sherbow, Taylor, L., Vecera.  
Total--27



Amendment No. 3, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegates Mudd, Hickman, Kahl, Henderson, Harkness, J. H. Smith, Hargrove, Dulany, Bradshaw, Cicone, Rosenstock, M. H. Smith, Schneider, Cleveland, Marion, from the floor. The amendment was duly seconded.

In Section 5.24., Judicial Compensation, in line 20 after the word "spouse," add the words:

"or to the surviving spouse of a deceased judge,".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

#### Affirmative

##### Delegates--

President, Tawes, Clark, J., James, Bamberger, Bard, Beachley, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Chabot, Child, Cicone, Clagett, Dabrowski, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gleason, Grant, Groh, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Johnson, Kosakowski, Linton, Macdonald, Malkus, Mason, Maurer, Mitchell, Morgan, Moser, Mosner, Mudd, Murray, D. S., Needle. Neilson, Neumann, Penniman, Powers, Pullen, Robie, K. L., Rollins, Rosenstock, Rybczynski, Schloeder, Schneider, Siewierski, Smith, A. W., Smith, J. H., Smith M.H., Soul, Stern, Sybert, Taylor, H. E., Taylor, L., Ulrich, Wagandt, Ritter, White, Willis, Willoner, Winslow.

Total--83

#### Negative

##### Delegates--

Abramson, Adkins, Anderson, Armor, Barrick, Beall, Bennett, Blair, Boileau, Borom, Boyer, Carson, Darby, Della, Dorsey, Gill, Grumbacher, Gullett, Kirkland, Koger, Koss, Marion, Miller, Murray, E. C., Pascal, Rush, Sollins, Sosnowski, Webb, Weidemeyer.

Total--30

#### Not Voting

##### Delegates--

Baumann, Burgess, Bushong, Caldwell, Case, Clarke, E. J., Cleveland, Frederick, Hostetter, Hutchinson, Kahl, Key, Kiefer, Leitzel, Lord, Mentzer, Miller, E. T., Murphy, Peters, Price, Raley, Robey, F. C., Scanlan, Sherbow, Sickles, Singer, Storm, Vecera, Wheatley.

Total--29





Amendment No. 4, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegates Mudd, Hickman, Kahl, Henderson, Harkness, J. H. Smith, Hargrove, Dulany, Bradshaw, Cicone, Rosenstock, M. H. Smith, Schneider, Cleveland, Marion, from the floor. The amendment was duly seconded.

In Section 5.25., Restriction of Non-Judicial Activities in line 28 after the word "seek" insert the word:

"public".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

#### Affirmative

Delegates--

President, Tawes, Clark, J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freeland, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Jett, Johnson, Kirkland, Kosakowski, Linton, Macdonald, Malkus, Marion, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray, D. S., Murray, E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Ritter, Robie, K. L., Rollins, Rosenstock, Rybczynski, Schloeder, Schneider, Siewierski, Singer, Smith A.W., Smith J.H., Smith, M. H., Sollins, Sosnowski, Soul, Stern, Sybert, Ulrich, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--104

#### Negative

Delegates--

Borom, Koger.

Total--2

#### Not Voting

Delegates--

Anderson, Baumann, Burgess, Bushong, Caldwell, Case, Cleveland, Frederick, Gallagher, Hopkins, Hostetter, Hutchinson, Kahl, Key, Kiefer, Koss, Litzel, Lord, Mason, Maurer, Mentzer, Miller, E. T., Murphy, Peters, Price, Raley, Robey, F. C., Rush, Scanlan, Sherbow, Sickles, Storm, Taylor, H. E., Taylor L., Vecera, Webb.

Total--36



Amendment No. 5, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegates Mudd, Hickman, Kahl, Henderson, Harkness, J. H. Smith, Hargrove, Dulany, Bradshaw, Cicone, Rosenstock, M. H. Smith, Schneider, Cleveland, Marion, from the floor. The amendment was duly seconded.

In Section 5.25., Restriction of Non-Judicial Activities, in line 36 after the word "seeking" add the word:

"public";

Amendment No. 5a, as a substitute for Amendment 5, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, by Delegates Bamberger & Gilchrist, from the floor. The amendment was duly seconded.

In Section 5.25., Restriction of Non-Judicial Activities, in line 36 strike out the words:

"seeking elective office or".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

#### Affirmative

Delegates--

Tawes, Clark, J., Abramson, Adkins, Armor, Bamberger, Bard, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Boyles, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Clagett, Clarke, E. J., Dukes, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Harris, Hopkins, Jett, Koger, Kosakowski, Koss, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Miller, B., Murray, E. C., Needle, Neilson, Penniman, Peters Powers, Pullen, Raley, Robie, K. L., Rollins, Smith A.W., Sickles, Siewierski, Singer, Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, L., Wheatley, White, Willoner, Winslow.

Total--76

#### Negative

Delegates--

Anderson, Barrick, Boyer, Bradshaw, Bryson, Child, Cicone, Dabrowski, Darby, Dulany, Hardwicke, Hargrove, Harkness, Hickman, Johnson, Kahl, Kirkland, Linton, Morgan, Moser, Mosner, Mudd, Murray, D. S., Pascal, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Smith, J. H., Smith, M. H., Taylor, H. E., Weidemeyer, Willis.

Total--34





Not Voting

Delegates--

President, James, Baumann, Boileau, Burgess, Bushong, Caldwell, Case, Cleveland, Della, Dorsey, Frederick, Henderson, Hostetter, Hutchinson, Key, Kiefer, Leitzel, Mentzer, Miller, E. T., Mitchell, Murphy, Neumann, Price, Ritter, Robey F.C., Scanlan Sherbow, Ulrich, Vecera, Wagandt, Webb.

Total--32

AMENDMENT NO. 5 AS SUBSTITUTED FOR BY AMENDMENT NO. 5a  
WAS ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark, J., Abramson, Adkins, Armor, Bamberger, Bard, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Clagett, Clarke, E. J., Dabrowski, Darby, Della, Dukes, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harris, Hickman, Hopkins, Jett, Kiefer, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Miller, B., Morgan, Moser, Mosner, Mudd, Murray, D. S., Murray, E. C., Needle, Neilson, Penniman, Peters, Powers, Pullen, Raley, Robie, K. L., Rollins, Schloeder, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, L., Wagandt, Wheatley, White, Willis, Willoner, Winslow.

Total--95

Negative

Delegates--

Barrick, Boyer, Child, Cicone, Dulany, Hardwicke, Harkness, Johnson, Kirkland, Pascal, Rosenstock, Rush, Rybczynski, Schneider, Smith, M. H., Weidemeyer.

Total--16

Not Voting

Delegates--

James, Anderson, Baumann, Boileau, Burgess, Bushong, Caldwell, Case, Cleveland, Dorsey, Frederick, Henderson, Hostetter, Hutchinson, Kahl, Key, Leitzel, Mentzer, Miller, E. T., Mitchell, Murphy, Neumann, Price, Ritter, Robey F.C., Scanlan, Sherbow, Taylor H.E., Ulrich, Vecera, Webb.

Total--31



Amendment No. 6, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, by Delegates Mudd, Hickman, Kahl, Henderson, Dulany, Bradshaw, Cicone, Rosenstock, M. H. Smith, Harkness, J. H. Smith, Hargrove, Schneider, Cleveland, Marion, from the floor. The amendment was duly seconded.

In Section 5.26., Commission on Judicial Disabilities in line 4 strike out the period and insert in lieu thereof the following:

" , but the General Assembly shall prescribe by law shorter terms for the three judicial members and one of the other members first appointed, in order to establish overlapping terms of office. A vacancy on the Commission shall be filled for the remainder of the term."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark, J., Abramson, Armor, Bard, Beachley, Beall, Bennett, Blair, Boileau, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Darby, Della, Dulany, Eckenrode, Finch, Fox, Gallagher, Gilchrist, Gleason, Grant, Groh, Gullett, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Kosakowski, Linton, Lord, Malkus, Marion, Mason, Maurer, Miller, B., Mitchell, Morgan, Mosner, Mudd, Murray, D.S., Murray, E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Ritter, Robie, K. L., Rollins, Rosenstock, Schloeder, Sherbow, Sickles, Singer, Smith A.W., Smith, J. H., Smith, M.H., Sosnowski, Stern Sybert, Taylor, H. E., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner.

Total--88

Negative

Delegates--

Adkins, Anderson, Bamberger, Gill, Jett, Johnson, Koss, Siewierski, Sollins, Storm.

Total--10

Not Voting

Delegates--

James, Barrick, Baumann, Borom, Bothe, Burgess, Bushong, Caldwell, Carson, Case, Cleveland, Dorsey, Dukes, Fornos, Frederick, Freedlander, Grumbacher, Hanson, Hardwicke, Hostetter, Hutchinson, Kahl, Key, Kiefer, Kirkland, Koger, Leitzel, Macdonald, Mentzer, Miller, E.T., Moser, Murphy, Pascal, Price, Raley, Robey, F.C., Rush, Rybczynski, Scanlan, Schneider, Soul, Taylor, L., Vecera, Winslow.

878 Total--44





Amendment No. 7, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, by Delegates Johnson & Jett, from the floor. The amendment was duly seconded.

In Section 5.14, Eligibility for Nomination and Appointment as Judge in line 42 after the word "State" insert the following:

"for at least five years immediately preceding his nomination".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

Delegates--

Tawes, Anderson, Armor, Bamberger, Bard, Beachley, Blair, Boyce, Boyer, Boyles, Cardin, Chabot, Child, Clagett, Clarke, E. J., Dabrowski, Della, Dorsey, Eckenrode, Gill, Gleason, Grant, Hargrove, Harkness, Hickman, Hopkins, Jett, Johnson, Linton, Malkus, Miller, B., Murray, E. C., Peters, Ritter, Robie K.L. Rollins, Rush, Rybczynski, Siewierski, Singer, Smith, J. H., Sosnowski, Soul, Storm, Sybert, Taylor, H. E., Weidemeyer.

Total--47

#### Negative

Delegates--

President, James, Abramson, Adkins, Barrick, Beall, Bennett, Borom, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Carson, Cicone, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Groh, Gullett, Harris, Henderson, Kirkland, Lord, Marion, Mason, Maurer, Morgan, Mosner, Mudd, Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Schloeder, Schneider, Sherbow, Sickles, Smith A.W., Smith M.H., Sollins, Stern, Ulrich, Wagandt, Webb, White, Willis, Winslow.

Total--55

#### Not Voting

Delegates--

Clark, J., Baumann, Boileau, Bothe, Burgess, Bushong, Caldwell, Case, Cleveland, Darby, Dukes, Frederick, Grumbacher, Hanson, Hardwicke, Hostetter, Hutchinson, Kahl, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Macdonald, Mentzer, Miller, E.T., Mitchell, Moser, Murphy, Murray, D. S., Pascal, Price, Robey, F. C., Rosenstock, Scanlan, Taylor, L., Vecera, Wheatley, Willoner.

Total--40



Amendment No. 8, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegates Jett & Johnson, from the floor. The amendment was duly seconded.

In Section 5.15., Nomination and Appointment in line 27 after the period add this new sentence:

"If no such list of nominees is submitted to the Governor within the time prescribed, then he shall appoint an eligible person to fill the vacancy."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Clark, J., Abramson, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Boyer, Burdette, Cardin, Carson, Chabot, Child, Clagett, Clarke, E. J., Della, Dorsey, Eckenrode, Gleason, Grant, Grumbacher, Harkness, Hickman, Hostetter, Jett, Johnson, Kahl, Kirkland, Koger, Linton, Malkus, Mason, Murray, E. C., Pascal, Peters, Pullen, Ritter, Rush, Rybczynski, Sosnowski, Soul, Stern, Storm, Weidemeyer, Wheatley.

Total--47

#### Negative

##### Delegates--

President, Tawes, Adkins, Anderson, Bamberger, Borom, Boyce, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Cicone, Dabrowski, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Koss, Lord, Marion, Maurer, Morgan, Moser, Mosner, Mudd, Murray, D. S., Needle, Neilson, Neumann, Powers, Raley, Robey, F. C., Robie, K. L., Rollins, Rosenstock, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total--64

#### Not Voting

##### Delegates--

James, Armor, Baumann, Bothe, Burgess, Bushong, Caldwell, Case, Cleveland, Darby, Dukes, Frederick, Hutchinson, Key, Kiefer, Leitzel, Macdonald, Mentzer, Miller, B., Miller, E. T., Mitchell, Murphy, Penniman, Price, Scanlan, Sybert, Taylor, H. E., Taylor, L., Vecera, Webb.

Total--30

Kosakowski not recorded.





Amendment No. 9, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegate Willis, from the floor. The amendment was duly seconded.

In Section 5.20., Restrictions on Members of Nominating Commissions, in line 3 strike out the words "two years" and insert in lieu thereof the words "one year"; and in line 4 place a period after the word:

"commission" and strike out the remainder of this line and all of lines 5 and 6.

Amendment No. 9 was divided into two parts by the Chair at the request of Delegate B. Miller.

The first four lines of Amendment No. 9 was considered as question 1.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Abramson, Adkins, Anderson, Bamberger, Bard, Barrick, Beachley, Bennett, Burdette, Buzzell, Cardin, Carson, Clarke, E. J., Dukes, Fox, Gilchrist, Gleason, Grant, Grumbacher, Hanson, Hostetter, Kirkland, Koger, Malkus, Mason, Morgan, Needle, Neilson, Neumann, Pullen, Raley, Rollins, Smith, J. H., Smith, M. H., Sollins, Stern, Sybert, Weidemeyer, Wheatley, Willis, Willoner.

Total--41

#### Negative

##### Delegates--

President, Tawes, Clark, J., Blair, Boileau, Boyce, Boyer, Boyles, Bradshaw, Bryson, Byrnes, Chabot, Child, Cicone, Clagett, Dabrowski, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Gill, Groh, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Johnson, Kosakowski, Koss, Linton, Lord, Marion, Maurer, Miller, B., Moser, Mosner, Mudd, Murray, D. S., Murray, E. C., Pascal, Penniman, Peters, Powers, Robey F. C., Robie, K. L., Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Smith A.W., Sickles, Siewierski, Singer, Sosnowski, Soul, Storm, Taylor, L., Ulrich, Wagandt, Ritter, White, Winslow.

Total--71

#### Not Voting

##### Delegates--

James, Armor, Baumann, Beall, Borom, Bothe, Burgess, Bushong, Caldwell, Case, Cleveland, Darby, Frederick, Gullett, Hutchinson, Kahl, Key, Kiefer, Leitzel, Macdonald, Mentzer,



Miller, E. T., Mitchell, Murphy, Price, Scanlan, Schloeder,  
Taylor, H. E., Vecera, Webb.

Total--30

The last three lines of Amendment No. 9 was considered  
as question 2.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS  
AS FOLLOWS:

#### Affirmative

##### Delegates--

Abramson, Adkins, Anderson, Bamberger, Bard, Barrick, Beachley,  
Bennett, Borom, Burdette, Buzzell, Cardin, Carson, Dukes, Fox,  
Freedlander, Gilchrist, Gleason, Grant, Grumbacher, Hanson,  
Harris, Hopkins, Hostetter, Koger, Koss, Malkus, Mason,  
Maurer, Miller, B., Morgan, Needle, Neilson, Neumann, Pascal,  
Pullen, Raley, Robey, F. C., Robie, K. L., Rollins, Smith, M.H.,  
Sollins, Stern, Sybert, Weidemeyer, Wheatley, Willis.

Total--47

#### Negative

##### Delegates--

President, Tawes, Clark, J., Blair, Boileau, Boyce, Boyer,  
Boyles, Bradshaw, Bryson, Byrnes, Chabot, Child, Cicone,  
Clagett, Clarke, E. J., Dabrowski, Della, Dorsey, Dulany,  
Eckenrode, Finch, Fornos, Gallagher, Gill, Groh, Hardwicke,  
Hargrove, Harkness, Henderson, Hickman, Jett, Johnson,  
Kiefer, Kirkland, Kosakowski, Linton, Lord, Marion, Moser,  
Mosner, Mudd, Murray, D. S., Murray, E. C., Penniman,  
Peters, Powers, Ritter, Rosenstock, Rush, Rybczynski,  
Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H.,  
Sosnowski, Soul, Storm, Taylor, L., Ulrich, Wagandt, Webb,  
White, Willoner, Winslow.

Total--68

#### Not Voting

##### Delegates--

James, Armor, Baumann, Beall, Bothe, Burgess, Bushong, Caldwell,  
Case, Cleveland, Darby, Frederick, Gullett, Hutchinson, Kahl,  
Key, Leitzel, Macdonald, Mentzer, Miller, E. T., Mitchell,  
Murphy, Price, Scanlan, Schloeder, Taylor, H. E., Vecera.

Total--27





Amendment No. 10, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegate Bamberger, from the floor. The amendment was duly seconded.

In Section 5.22., Judicial Term of Office, in lines 33 through 41, inclusive, strike out beginning with the words:

"The Court of" in line 33 down to and including the words "of the poll." in line 41.

Delegate Mason moved the previous question adoption or rejection of Amendment No. 10.

SAID MOTION PREVAILED BY YEAS AND NAYS, VOICE VOTE.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

Delegates--

Tawes, Clark, J., Abramson, Adkins, Bamberger, Bard, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Burdette, Cardin, Carson, Chabot, Clarke, E. J., Dabrowski, Della, Dukes, Dulany, Freedlander, Gilchrist, Hanson, Hardwicke, Harris, Hopkins, Kiefer, Koger, Koss, Mason, Maurer, Miller, B., Morgan, Moser, Murray, E.C., Penniman, Peters, Pullen, Robey, F. C., Schloeder, Sherbow, Sosnowski, Taylor, L., Wagandt, Wheatley.

Total--46

#### Negative

Delegates--

President, Anderson, Barrick, Beachley, Blair, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Child, Cicone, Clagett, Eckenrode, Finch, Fornos, Fox, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Hargrove, Harkness, Henderson, Hickman, Hostetter, Jett, Johnson, Kirkland, Kosakowski, Linton, Lord, Macdonald, Malkus, Marion, Mosner, Mudd, Murray, D. S., Needle, Neilson, Neumann, Pascal, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sickles, Siewierski, Singer, Smith A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Storm, Sybert, Ulrich, Webb, Weidemever, Willis, Willoner.

Total--68

#### Not Voting

Delegates--

James, Armor, Baumann, Burgess, Bushong, Caldwell, Case, Cleveland, Darby, Dorsey, Frederick, Gullett, Hutchinson, Kahl, Key, Leitzel, Mentzer, Miller, E. T., Mitchell, Murphy, Powers, Price, Scanlan, Stern, Taylor, H. E., Vecera, White, Winslow.

Total--28



Amendment No. 11, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegate Bamberger, from the floor. The amendment was duly seconded.

In Section 5.22, Judicial Term of Office in line 34 strike out the word "shall" and insert in lieu thereof the word:

"may".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Tawes, Abramson, Adkins, Bamberger, Bennett, Borom, Bothe, Boyce, Burdette, Cardin, Carson, Dulany, Freedlander, Gilchrist, Hanson, Hardwicke, Harris, Kiefer, Koss, Mason, Maurer, Miller B., Morgan, Moser, Needle, Penniman, Peters, Pullen, Raley, Robey F. C., Schloeder, Sosnowski, Taylor L., Wagandt, Wheatley.

Total--35

#### Negative

##### Delegates--

President, Clark J., Anderson, Bard, Barrick, Beachley, Beall, Blair, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Della, Dorsey, Dukes, Eckenrode, Finch, Fornos, Fox, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kirkland, Koger, Kosakowski, Linton, Lord, Macdonald, Malkus, Marion, Mosner, Mudd, Murray D. S., Murray E. C., Neilson, Neumann, Pascal, Powers, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W. Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Ulrich, Webb, Weidemeyer, Willis, Willoner.

Total--80

#### Not Voting

##### Delegates--

James, Armor, Baumann, Boileau, Burgess, Bushong, Caldwell, Case, Chabot, Cleveland, Darby, Frederick, Gullett, Hutchinson, Kahl, Key, Leitzel, Mentzer, Miller E. T., Mitchell, Murphy, Price, Scanlon, Taylor H. E., Vecerā, White, Winslow.

Total--27





Amendment No. 12, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, by Delegates Willis and Stern, from the floor. The amendment was duly seconded.

In Section 5.22, Judicial Term of Office in line 22 strike out the words "his appointment" and insert in lieu thereof the following:

"the occurrence of the vacancy to which he was appointed".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS  
AS FOLLOWS:

#### Affirmative

##### Delegates--

Tawes, Clark J., Abramson, Anderson, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyer, Boyles, Burdette, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Clarke E. J., Dabrowski, Della, Dukes, Eckenrode, Finch, Fox, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hardwicke, Harkness, Hickmann, Jett, Johnson, Kirkland, Koger, Koss, Linton, Lord, Macdonald, Malkus, Maurer, Morgan, Mosner, Murray D. S., Murray E. C., Neumann, Pascal, Peters, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rush, Rybczynski, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Webb, Weidemeyer, Wheatley, White, Willis, Willoner.

Total--82

#### Negative

##### Delegates--

President, Boyce, Bradshaw, Bryson, Cicone, Clagett, Dulany, Fornos, Freedlander, Gallagher, Hargrove, Henderson, Hopkins, Kosakowski, Marion, Miller, B., Moser, Mudd, Needle, Neilson, Penniman, Powers, Schneider, Smith A.W., Ulrich, Wagandt.

Total--26

#### Not Voting

##### Delegates--

James, Adkins, Armor, Baumann, Bothe, Burgess, Bushong, Caldwell, Case, Cleveland, Darby, Dorsey, Frederick, Gullett, Hanson, Harris, Hostetter, Hutchinson, Kahl, Key, Kiefer, Leitzel, Mason, Mentzer, Miller E. T., Mitchell, Murphy, Price, Rosenstock, Scanlan, Taylor H. E., Taylor L., Vecera, Winslow.

Total--34



Amendment No. 13, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, by Delegates Johnson, Jett, Harkness, E. C. Murray, from the floor. The amendment was duly seconded.

In Section 5.25, Restriction of Non-Judicial Activities in line 33 after the word "campaign" add the following words:

"or serve as officer, director or employee of any business formed with the intention of making a profit".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Tawes, Clark J., Abramson, Anderson, Bard, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Boyles, Burdette, Chabot, Child, Dabrowski, Della, Dukes, Eckenrode, Fornos, Fox, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Harkness, Harris, Hickman, Jett, Johnson, Kirkland, Kosakowski, Koss, Linton, Miller B., Mitchell, Murray, E. C., Neilson, Neumann, Pascal, Penniman, Peters, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Sollins, Sosnowski, Soul, Stern, Sybert, Wagandt, Webb, Weidemeyer, White, Willoner.

Total--69

#### Negative

##### Delegates--

President, Adkins, Bamberger, Barrick, Beachley, Bothe, Bradshaw, Bryson, Buzzell, Cardin, Carson, Cicone, Clagett, Clarke E. J., Dulany, Freedlander, Groh, Hargrove, Henderson, Hopkins, Kiefer, Lord, Macdonald, Marion, Mason, Maurer, Morgan, Moser, Mosner, Mudd, Murray D. S., Needle, Powers, Rollins, Smith M. H., Ulrich, Willis.

Total--37

#### Not Voting

##### Delegates--

James, Armor, Baumann, Burgess, Bushong, Byrnes, Caldwell, Case, Cleveland, Darby, Dorsey, Finch, Frederick, Gallagher, Gullett, Hardwicke, Hostetter, Hutchinson, Kahl, Key, Koger, Leitzel, Malkus, Mentzer, Miller E. T., Murphy, Price, Rosenstock, Scanlan, Smith J. H., Storm, Taylor H. E., Taylor L., Vecera, Wheatley, Winslow.

Total--36





Amendment No. 14, as amended by Report No. S&D-8, to Committee Recommendation No. JB-1, on second reading, By Delegate Carson, from the floor. The amendment was duly seconded.

In Section 5.25, Restriction of Non-Judicial Activities, as amended by Amendment No. 13 in lines 6 and 7 of the amendment strike out the following:

"business formed with the intention of making a profit" and insert in lieu thereof the words "non-charitable enterprise".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

Anderson, Bamberger, Bard, Barrick, Beall, Bennett, Boyer, Boyles, Bryson, Burdette, Burgess, Buzzell, Byrnes, Cardin, Carson, Child, Clagett, Finch, Gallagher, Gleason, Grant, Groh, Grumbacher, Henderson, Hostetter, Koss, Lord, Mason, Moser, Needle, Pascal, Penniman, Pullen, Raley, Rvbczvnski, Siewierski, Singer, Smith A.W., Smith J. H., Sosnowski, Soul, Stern, Sybert, Wagandt, Willis, Willoner.

Total--46

#### Negative

##### Delegates--

President, Tawes, Clark J., Adkins, Boileau, Borom, Boyce, Bradshaw, Chabot, Cicone, Clarke E. J., Dabrowski, Della, Dukes, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gilchrist, Gill, Hanson, Harkness, Harris, Hickman, Hopkins, Jett, Johnson, Kiefer, Kirkland, Kosakowski, Linton, Macdonald, Malkus, Marion, Maurer, Miller, B., Mitchell, Morgan, Mosner, Mudd, Murray D. S., Murray E. C., Neilson, Neumann, Peters, Powers, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Schloeder, Schneider, Sherbow, Sickles, Smith, M. H., Sollins, Ulrich, Webb, Weidemeyer, White.

Total--62

#### Not Voting

##### Delegates--

James, Abramson, Armor, Baumann, Beachley, Blair, Bothe, Bushong, Caldwell, Case, Cleveland, Darby, Dorsey, Frederick, Gullett, Hardwicke, Hargrove, Hutchinson, Kahl, Key, Koger, Leitzel, Mentzer, Miller E. T., Murphy, Price, Rush, Scanlan, Storm, Taylor H. E., Taylor L., Vecera, Wheatley, Winslow.

Total--34



There being no further amendments to Committee Recommendation JB-1, the President put the question on the adoption of Committee Recommendation JB-1.

COMMITTEE RECOMMENDATION JB-1 AS AMENDED WAS ADOPTED BY YEAS AND NAYS AS FOLLOWS:

#### Affirmative

##### Delegates--

President, Tawes, Clark, J., James, Abramson, Adkins, Bamberger, Bard, Barrick, Beachley, Bennett, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burgess, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Kiefer, Kosakowski, Koss, Lord, Macdonald, Marion, Mason, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray, D. S., Murray, E. C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Ritter, Robey, F. C., Robie, K. L., Rollins, Rosenstock, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith, J. H., Smith, M.H., Sollins, Soul, Stern, Sybert, Ulrich, Wagandt, White, Willis, Willoner.

Total--93

#### Negative

##### Delegates--

Beall, Blair, Boileau, Borom, Burdette, Della, Gleason, Hostetter, Johnson, Kirkland, Malkus, Pascal, Rush, Rybczynski, Siewierski, Sosnowski, Webb, Weidemeyer.

Total--18

#### Not Voting

##### Delegates--

Anderson, Armor, Baumann, Bushong, Caldwell, Case, Cleveland, Darby, Dorsey, Frederick, Grant, Gullett, Hardwicke, Hutchinson, Kahl, Key, Koger, Leitzel, Linton, Maurer, Miller, E. T., Murphy, Peters, Price Scanlan, Storm, Taylor, H. E., Taylor, L., Vecera, Wheatley, Winslow.

Total--31





## REPORTS OF OTHER STANDING COMMITTEES

Mr. Penniman, Chairman of the Committee on Style, Drafting and Arrangement offered Report No. S&D-11. This Report covers matters in Committee of the Whole Reports No. 5 and 16.

A Report concerning Committee Recommendations Nos. S&E-1 and S&E-2.

\* \* \*

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

At 7:50 O'Clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Thursday, December 28, 1967, at 3:00 P.M.





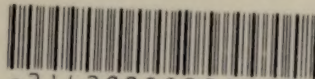








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